

**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

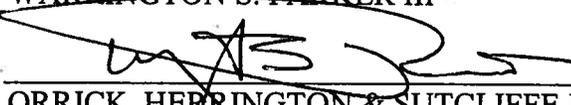
**DEPOSITION DESIGNATIONS  
RE THE DEPOSITION OF KATE  
WAGGONER - RULE 30(b)(6)  
JULY 26, 2018**

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

Respectfully submitted,

December 20, 2019

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Office of Administrative Law Judges  
San Francisco, Ca

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF KATE WAGGONER  
RULE 30(B)(6), JULY 26, 2018

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) JULY 26, 2018**

Page/Line	Objection/Errata
<p><b>13:15-30:3</b></p> <p>15 · · · · · MR. FINBERG: Q. Okay. So the court 16 · reporter has marked as Exhibit 23 a document that is 17 · entitled "...AMENDED NOTICE OF DEPOSITION OF PERSON 18 · MOST KNOWLEDGEABLE..." 19 · · · · · Do you recognize that document? 20 · · · · · MS. CONNELL: Take a moment to review. 21 · · · · · THE WITNESS: Yes, I do. 22 · · · · · MR. FINBERG: Q. Okay. And it lists a 23 · number of document topics or -- I'm sorry -- subject 24 · matter topics, beginning on page 3. 25 · · · · · So it says, "MATTERS FOR EXAMINATION."</p>	
<p><b>14</b></p> <p>1 · · · · · One is: 2 · · · · · "Job positions and job codes within... 3 · · · · · Information Technology, Product 4 · · · · · Development, and Support job categories at 5 · · · · · ORACLE throughout California during the 6 · · · · · CLASS PERIOD." 7 · · · · · Are you designated by Oracle to testify on 8 · that topic today? 9 · · · · A. Yes. 10 · · · · · MS. CONNELL: And for the record, I'll 11 · just clarify that we have limited these topics, as 12 · you know, through the meet-and-confer process. 13 · · · · · So she'll be testifying as reflected in 14 · our objections and responses to this deposition 15 · topic, which reflects the agreements reached through 16 · the meet-and-confer process. 17 · · · · · MR. FINBERG: For the record, I've put a 18 · qualification that you have made certain objections. 19 · · · · · We have reached some agreements. I'm not 20 · sure we have reached total agreement, so there may 21 · be some points as to which we have different views. 22 · · · · Q. Topic 2: 23 · · · · · "For each job position and/or job code in 24 · · · · · California that is a COVERED POSITION, the 25 · · · · · job duties and responsibilities for the</p>	
<p><b>15</b></p> <p>1 · · · · · position and/or job code during the CLASS 2 · · · · · PERIOD."</p>	

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<p>3 · · · · · Have you been designated to testify for 4 · Oracle on that topic today? 5 · · · · · MS. CONNELL:· And, again, I'll -- I'll 6 · insert an -- an objection to the extent that she's 7 · been designated to testify on this topic as -- as 8 · reflected in our objections to the topic. 9 · · · · · MR. FINBERG:· I'll give you a standing 10 · objection because -- 11 · · · · · MS. CONNELL:· Okay. 12 · · · · · MR. FINBERG:· -- I'll read through all of 13 · these -- 14 · · · · · MS. CONNELL:· All right. 15 · · · · · MR. FINBERG:· -- categories, and I think 16 · we would just repeat ourselves. 17 · · · · · MS. CONNELL:· Exactly.· Okay.· Thank you. 18 · · · · · THE WITNESS:· Yes, yes. 19 · · · · · I would add, though, that in -- as far as 20 · job duties and responsibilities for the positions or 21 · codes during that, I admittedly don't know every 22 · single job duty and responsibility of all of the 23 · jobs covered.· We have thousands of jobs on our job 24 · table, and I'm not -- I do not know in intricate 25 · detail what all of the duties are of every one of</p>	
<p><b>16</b> 1 · those jobs. 2 · · · · · I could speak generally -- 3 · · · · · MR. FINBERG:· Q.· All right. 4 · · · · · A.· -- but not specifically. 5 · · · · · Q.· Understood.· Thank you. 6 · · · · · MS. CONNELL:· And for the record, her 7 · testimony is consistent with the agreement that we 8 · reached on this particular topic. 9 · · · · · MR. FINBERG:· On that particular point, I 10 · think we agree. 11 · · · · · Q.· Subject 3: 12 · · · · · "For each job position and/or job code 13 · · · · · that is a COVERED POSITION, the 14 · · · · · educational qualifications and/or work 15 · · · · · experience required of applicants for the 16 · · · · · position and/or job code in California 17 · · · · · during the CLASS PERIOD." 18 · · · · · A.· Again, generally speaking, but not -- not 19 · to the specific for every single covered position,</p>	

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20· ·those qualifications and work experiences.· I -- I 21· ·can't speak to the specifics of everything. 22· ···· Q· Understood.· Thank you. 23· ···· ·Item -- Topic 5 (as read): 24· ···· ·Oracle...agreements, job descriptions, 25· ···· ·employee handbooks, and policies and	
<b>17</b> 1· ···· ·procedure manuals comprising, setting 2· ···· ·forth, or RELATING TO the job duties of 3· ···· ·employment for each COVERED POSITION 4· ···· ·within California." 5· ···· ·Are you designated by Oracle to testify on 6· ·that topic? 7· ···· A· Yes. 8· ···· ·MS. CONNELL:· And, again, this topic was 9· ·substantively limited to documentation reflecting 10· ·the job duties of the job codes and positions at 11· ·issue. 12· ···· ·MR. FINBERG:· Q· Topic 6: 13· ···· ·"The authorship of employment agreements, 14· ···· ·job descriptions, and employee handbooks, 15· ···· ·and policies and procedures manuals 16· ···· ·setting forth, RELATING TO the job duties 17· ···· ·of employment for each COVERED POSITION 18· ···· ·within California." 19· ···· ·Are you designated to testify for Oracle 20· ·on that topic today? 21· ···· ·MS. CONNELL:· Same objection. 22· ···· ·THE WITNESS:· Yes. 23· ···· ·MR. FINBERG:· Q· "YOUR organizational, 24· ···· ·management, supervisory, and reporting 25· ···· ·structure during the CLASS PERIOD."	
<b>18</b> 1· ···· ·Are you designated by Oracle to testify on 2· ·that topic today? 3· ···· A· Yes. 4· ···· ·MS. CONNELL:· And, again, I just -- I know 5· ·you gave me a standing objection, but these -- these 6· ·topics have been substantively limited. 7· ···· ·So I do feel like it's misleading on the 8· ·record to say that she's been designated as to these 9· ·topics when we've reached agreement in terms of how 10· ·they've been limited.	

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<p>11 · · · · · MR. FINBERG: I don't recall that one  12 · being limited, but you're free to state your  13 · understanding.  14 · · · · · MS. CONNELL: Well, it was limited in the  15 · sense that she will testify generally regarding this  16 · topic, but she can't -- she doesn't have the details  17 · of it memorized.  18 · · · · · MR. FINBERG: Q. No. 9:  19 · · · · · "YOUR policies and practices regarding  20 · · · · · COMPENSATION for employees in COVERED  21 · · · · · POSITIONS in California during the CLASS  22 · · · · · PERIOD, including but not limited to YOUR  23 · · · · · policies and practices and criteria used  24 · · · · · for determining initial COMPENSATION,  25 · · · · · evaluating employee COMPENSATION, offering</p> <p><b>19</b></p> <p>1 · · · · · COMPENSATION increases, and responding to  2 · · · · · employee requests for COMPENSATION  3 · · · · · increases" with you.  4 · · · · · And "you" meaning Oracle.  5 · · · · · Have you been designated to testify for  6 · Oracle on that topic today?  7 · · · · · MS. CONNELL: Again, this has been further  8 · limited through the meet-and-confer process and is  9 · reflected in our responses and objections.  10 · · · · · THE WITNESS: Yes.  11 · · · · · MR. FINBERG: Q. Item 10:  12 · · · · · "YOUR," again referring to Oracle,  13 · · · · · "policies and practices regarding the  14 · · · · · payment of cash and/or equity bonuses for  15 · · · · · employees in COVERED POSITIONS in  16 · · · · · California during the CLASS PERIOD,  17 · · · · · including but not limited to YOUR  18 · · · · · policies and practices and criteria used  19 · · · · · for determining bonus amounts, review of  20 · · · · · bonus amounts, and responding to employee  21 · · · · · concerns pertaining to the amount of their  22 · · · · · bonuses."  23 · · · · · Have you been designated by Oracle to  24 · testify about that topic?  25 · · · · · MS. CONNELL: Same objection.</p> <p><b>20</b></p> <p>1 · · · · · THE WITNESS: Yes, again, very generally.</p>	

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<p>2 · · · · · MR. FINBERG: Q. Okay. 3 · · · · · MS. CONNELL: I would also note that as to 4 · Topics 9 and 10, the meet-and-confer limited these 5 · topics to not include responding to employee 6 · requests for compensation increases or employee 7 · concerns pertaining to the amount of their bonuses. 8 · · · · · MR. FINBERG: Q. Eleven: 9 · · · · · "YOUR policies and practices regarding the 10 · · · · · COMPENSATION of employees...acquired by 11 · · · · · ORACLE." 12 · · · · · Have you been designated by Oracle to 13 · testify on that topic today? 14 · · · · A. Yes. 15 · · · · Q. Fourteen: 16 · · · · · The IDENTITY of all PERSONS involved in 17 · · · · · developing and reviewing YOUR policies 18 · · · · · and practices regarding COMPENSATION, 19 · · · · · advancement, and promotion." 20 · · · · · Have you been designated by Oracle on that 21 · topic today? 22 · · · · · MS. CONNELL: Again, this topic has been 23 · limited to the types of people that might be 24 · involved, as opposed to the identity of particular 25 · individuals.</p>	
<p><b>21</b> 1 · · · · · THE WITNESS: Yeah, in general -- very 2 · general terms. 3 · · · · · MR. FINBERG: Q. Okay. Topic 15: 4 · · · · · The IDENTITY of all PERSONS involved in 5 · · · · · implementing YOUR policies and practices 6 · · · · · regarding COMPENSATION, advancement, and 7 · · · · · promotion." 8 · · · · · Have you been designated by Oracle to 9 · testify on that topic? 10 · · · · · MS. CONNELL: Same objection. 11 · · · · · And both 14 and 15 have been limited to 12 · not include advancement and promotion since this 13 · case involves only claims related to unequal pay. 14 · · · · · MR. FINBERG: I think that is a topic on 15 · which we disagree. 16 · · · · · I understand you've made that objection. 17 · · · · · And I don't think we are in agreement that 18 · advancement and promotion are --</p>	

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19 ····· MS. CONNELL: Well, the meet -- 20 ····· MR. FINBERG: -- not relevant. 21 ····· MS. CONNELL: Well, but for purposes of 22 ····· today, the agreement was to postpone that 23 ····· disagreement. 24 ····· She's here to talk about compensation. 25 ····· She's not here to testify as a PMK on	
<b>22</b>	
1 ····· advancement or promotion. 2 ····· I realize that you haven't waived your 3 ····· argument to raise that later, but she won't be 4 ····· testifying as to those topics here today. 5 ····· MR. FINBERG: Okay. 6 ····· Q. As modified by your counsel, have you been 7 ····· designated to testify about Oracle on Topic 15 8 ····· today?	
9 ····· A. Yes.	
10 ····· Q. And Topic 16:	
11 ····· Training YOU provide to PERSONS	
12 ····· involving" -- "involved in implementing	
13 ····· YOUR policies and practices regarding	
14 ····· COMPENSATION, advancement, and promotion"?	
15 ····· MS. CONNELL: Topic 16 has been,	
16 ····· similarly, limited for purposes of today to not	
17 ····· cover advancement and promotion and in the same way	
18 ····· that 14 and 15 were modified.	
19 ····· MR. FINBERG: Q. And have you been	
20 ····· designated by Oracle to testify on Topic 16 today?	
21 ····· A. Yes.	
22 ····· Q. Okay. Topic 18 (as read):	
23 ····· "YOUR policies and practices for reviewing	
24 ····· YOUR COMPENSATION, advancement, and	
25 ····· promotion policies and practices for	
<b>23</b>	
1 ····· compliance with all federal...state" and	
2 ····· "wage and hour and anti-discrimination	
3 ····· laws."	
4 ····· Have you been designated by Oracle to	
5 ····· testify on that topic?	
6 ····· MS. CONNELL: Again, this topic has been	
7 ····· limited as reflected in our objections.	
8 ····· THE WITNESS: Yes.	
9 ····· MR. FINBERG: Q. Okay. Topic 20 (as	

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<p>10· ··read):  11· ·· ··"YOUR policies and practices regarding  12· ·· ··audits to ensure compliance with the  13· ·· ··California Equal Pay Act, California Labor  14· ·· ··Code Section 1197.5, or any other policies  15· ·· ··and practices to ensure men and women in  16· ·· ··COVERED POSITIONS performing equal or  17· ·· ··substantially similar work are paid at the  18· ·· ··same rate."  19· ·· ··Have you been designated by Oracle to  20· ··testify on that topic?  21· ·· ··MS. CONNELL:· I'll just assert, for the  22· ··record, that Topic 20, as well as Topic 21, have  23· ··been limited as reflected in our objections.  24· ·· ··And as our objections in the  25· ··meet-and-confer process made clear, Topics 18, 20,</p> <p><b>24</b></p> <p>1· ··and 21 particularly inquire about topics covered by  2· ··the attorney-client privilege and attorney  3· ··work-product doctrine.  4· ·· ··So she will not be testifying as to  5· ··privileged matters.  6· ·· ··MR. FINBERG:· Q· So the question is, have  7· ··you been designated to testify on Topic 20?  8· ·· ··A· Yes.  9· ·· ··Q· Okay· Topic 21 (as read):  10· ·· ··Any reviews, audits, studies, or  11· ·· ··evaluations of gender disparities in YOUR  12· ·· ··COMPENSATION, advancement, or promotion  13· ·· ··policies or practices, including but not  14· ·· ··limited to the findings of any such  15· ·· ··reviews, audits, studies, or evaluations;  16· ·· ··your reports based on such reviews,  17· ·· ··studies, or evaluations...any changes to  18· ·· ··YOUR policies and practices in response to  19· ·· ··such reviews, studies, and evaluations."  20· ·· ··Have you been designated to testify on  21· ··that topic?  22· ·· ··MS. CONNELL:· Same objections.  23· ·· ··THE WITNESS:· Yes.  24· ·· ··MR. FINBERG:· Q· Twenty-six -- Topic 26:  25· ·· ··"YOUR policies and practices regarding</p>	

25

1 ····· obtaining and using prior employment  
2 ····· pay rates for purposes of determining  
3 ····· COMPENSATION for applicants to COVERED  
4 ····· POSITIONS in California during the CLASS  
5 ····· PERIOD, including any changes to YOUR  
6 ····· policies and practices regarding obtaining  
7 ····· and using prior employment pay rates for  
8 ····· purposes of determining COMPENSATION for  
9 ····· applicants to COVERED POSITIONS in  
10 ····· California during the CLASS PERIOD."  
11 ····· Have you been designated by Oracle to  
12 ····· testify on that topic?  
13 ····· MS. CONNELL: Again, as reflected in our  
14 ····· objections, this topic has been limited, but it's  
15 ····· reflected in the documentation.  
16 ····· THE WITNESS: Yes.  
17 ····· MR. FINBERG: Q. And with respect to all  
18 ····· of these topics, you are testifying about them for  
19 ····· the entire class period, which goes back to June of  
20 ····· 2013; is that correct?  
21 ····· A. Yes.  
22 ····· Q. What is your current job title?  
23 ····· A. Senior director of global compensation.  
24 ····· Q. Okay. How long have you been in that  
25 ····· position?

26

1 ····· A. I don't even --  
2 ····· Q. Approximately?  
3 ····· A. I think -- I think I -- I think the  
4 ····· promotion was -- has been -- actually, I think it  
5 ····· might have just been actually just a year and a  
6 ····· half -- a year and a half maybe.  
7 ····· Q. Okay. And what are your duties and  
8 ····· responsibilities in that position?  
9 ····· A. I am responsible for our global  
10 ····· compensation programs, the administration and setup  
11 ····· and rollout of annual focal bonus and equity  
12 ····· programs, and the coordination of that globally.  
13 ····· My team is also responsible for M and A  
14 ····· compensation, which is the -- the process of  
15 ····· bringing the acquired employees over into Oracle  
16 ····· and mapping them to our positions and to our pay  
17 ····· programs and our -- and our plans.  
18 ····· I also have someone who is responsible for  
19 ····· maintaining our global job table and maintaining --

Errata: A. Since January  
2018

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20· ensuring global consistency and submitting global 21· surveys. 22· . . . . Anything compensation-wise that touches 23· inter- -- around the world, any -- to ensure global 24· consistency in how we run programs and how we -- how 25· we make compensation decisions at Oracle is - - kind	
<b>27</b> 1· of falls under my umbrella. 2· . . . . We have regional people taking care of 3· their regions. 4· . . . . And then I try to ensure global 5· consistency. 6· . . . Q· Where are you officed? 7· . . . A· In Denver. 8· . . . Q· You -- you listed a number of job 9· responsibilities. 10· . . . . Let me try to break them down one by one. 11· . . . . So you said responsible for global 12· compensation. 13· . . . . What does that mean? 14· . . . . MS. CONNELL:· Objection.· Misstates her 15· testimony. 16· . . . . THE WITNESS:· I'm responsible for global 17· compensation programs, which is different.· I don't 18· have global compensation responsibility. 19· . . . . MR. FINBERG:· Q· Okay. 20· . . . A· But programs -- when we run, say, a -- 21· an annual salary increase program, we have a -- a 22· system that we use to -- that shows all of our 23· eligible employees and what their current salary is 24· and their -- what their current range is.· And 25· managers go into that tool to make their	
<b>28</b> 1· recommendations for an increase. 2· . . . . And my team is responsible for the 3· administration and the rollout of that program and 4· the announcement of any communications relating to 5· the program, setting the timelines, making sure 6· that -- that we get all of the information and all 7· the recommendations that we need from managers and 8· that everything abides by our timeline in order to 9· effectively process such increases. 10· . . . . Similarly, we do a bonus program in the	

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<p>11 · same way. · It's a global program. · Everybody is run 12 · under the same tool. · And the administration and the 13 · rollout of that program is something my team is 14 · responsible for. 15 · . . . Q. · So that program deals with increases in 16 · base salary; is that right? 17 · . . . A. · Yes. 18 · . . . Q. · And also bonuses? 19 · . . . A. · It's a different program, but, yes. 20 · . . . Q. · Okay. · And you had also mentioned 21 · "equity." 22 · . . . A. · Yes. 23 · . . . Q. · Is that -- 24 · . . . A. · And equity would be a third program. 25 · . . . Q. · So there are three different programs?</p>	
<p><b>29</b> 1 · . . . A. · There are three different programs, yes. 2 · . . . Q. · And you're responsible for all three? 3 · . . . A. · Yes, the administration of all three, the 4 · gathering of the information and the rollout of the 5 · tool that has the people in it so that the managers 6 · can access that tool and make their recommendations. 7 · . . . Q. · What is the tool called? 8 · . . . A. · The tool is called Workforce Compensation. 9 · It's an Oracle product. 10 · . . . Q. · Okay. · And then I think you mentioned 11 · M and A compensation and mapping. 12 · . . . A. · Uh-huh. 13 · . . . Q. · What are your duties and responsibilities 14 · with respect to that? 15 · . . . A. · So I personally don't have any duties. 16 · . . . I have somebody on my team who is an 17 · M and A compensation lead. · And she works directly 18 · with our M and A HR team and the corporate 19 · development team to review the data and -- review 20 · all the data coming from the acquisition comp- -- 21 · the target company. 22 · . . . And she studies job descriptions and org 23 · charts and learns more about these employees, and 24 · determines how they will be rolled into Oracle's 25 · jobs, Oracle's job structure, Oracle's bonus</p>	
<p><b>30</b> 1 · programs, and those kinds of things. · She analyzes</p>	

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2 · the data of the people to bring them into Oracle 3 · when they become Oracle employees.	
<b>31:14-32:15</b>  14 · . . . Q. And then you also talked about global job 15 · tables. 16 · . . . A. Uh-huh. 17 · . . . Q. And who -- what are your responsibilities 18 · with respect to that? 19 · . . . A. So, again, I oversee somebody who we have 20 · hired to make sure that we have global consistency 21 · in how we apply the use of our jobs. 22 · . . . . We do global reviews if we're asked for 23 · adding a new job because it's -- maybe someone comes 24 · over from an acquisition, who is doing something 25 · entirely different, that we've never been in that  <b>32</b> 1 · space before. And we review, as a global team, 2 · whether it's something that should be added to our 3 · table or if we have something that exists that we 4 · could use instead. 5 · . . . . She's -- she's charged with kind of being 6 · the expert on the jobs that we have and -- and 7 · knowing them well so that she can help globally 8 · the -- the people around the globe who are on 9 · compensation teams to review what we have on our 10 · table and what might be used if -- instead of 11 · creating something new. 12 · . . . . And then she also does salary survey 13 · submission and other special projects for -- that 14 · touch global compensation that other regions would 15 · use as well.	
<b>45:18-46:13</b>  18 · . . . . MR. FINBERG: Q. Okay. Our class has -- 19 · our proposed class has three functional areas: IT, 20 · support, and product development. 21 · . . . . What, generally speaking, do these 22 · functional areas do for the company? 23 · . . . . MS. CONNELL: Objection. Vague and 24 · ambiguous; and I also think it's beyond the scope of 25 · the PMK topics on which she's been designated.	

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<p><b>46</b> 1 · · · · · But you can answer if you know in your 2 · · · · · percipient capacity. 3 · · · · · THE WITNESS: The -- the product 4 · · · · · development function in general, as the name 5 · · · · · implies, works to develop the products that Oracle 6 · · · · · sells. 7 · · · · · The information technology function works 8 · · · · · to support our employees on internal IT systems that 9 · · · · · all of us use in our everyday jobs. 10 · · · · · And then the support function, their main 11 · · · · · role would be to support our customers, whether they 12 · · · · · call in to a phone line or send e-mails; just 13 · · · · · technical support.</p>	
<p><b>50:2-50:16</b>  1 · · · · · Q: So what -- what does Thomas Kurian head 3 · · · · · up? 4 · · · · · MS. CONNELL: Objection. Vague and 5 · · · · · ambiguous. 6 · · · · · I also think it's beyond the scope of the 7 · · · · · PM- -- this whole line of questioning is beyond the 8 · · · · · scope of the topics. 9 · · · · · But you can answer in your percipient 10 · · · · · capacity. 11 · · · · · MR. FINBERG: I think it's covered by 8. 12 · · · · · THE WITNESS: He -- he heads up the 13 · · · · · largest portion of the product development -- the 14 · · · · · areas of product development which is where a 15 · · · · · majority of our -- of our products come from is 16 · · · · · under Thomas.</p>	
<p><b>54:20-56:4</b>  20 · · · · · So in terms of what Kurian's over, it's a 21 · · · · · number of products -- 22 · · · · · (Ms. Sullivan enters the deposition room.) 23 · · · · · MS. CONNELL: This is Emily. I'm sorry. 24 · · · · · Emily Sullivan from Oracle. 25 · · · · · MR. FINBERG: Hi, Emily.  <b>55</b> 1 · · · · · Q: He's in charge of a number of Oracle 2 · · · · · products? Is that the best way to describe it? 3 · · · · · MS. CONNELL: Objection. Vague and</p>	

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<p>4 · ambiguous.</p> <p>5 · . . . . THE WITNESS: · Yeah, there are a number</p> <p>6 · of -- many, many products that would come out of the</p> <p>7 · work done by Thomas's organization, yes.</p> <p>8 · . . . . MR. FINBERG: · Q. · Could you identify those</p> <p>9 · products for me?</p> <p>10 · . . . . A. · No, not for one second.</p> <p>11 · . . . . Q. · There's just too many?</p> <p>12 · . . . . A. · There's way too many.</p> <p>13 · . . . . Q. · Okay.</p> <p>14 · . . . . A. · Yes.</p> <p>15 · . . . . Q. · What are the big ones?</p> <p>16 · . . . . A. · HCM, supply chain.</p> <p>17 · . . . . Q. · So SCM, HCM?</p> <p>18 · . . . . A. · Yeah.</p> <p>19 · . . . . (Clarification requested by the reporter.)</p> <p>20 · . . . . MR. FINBERG: · Q. · SCM is supply chain</p> <p>21 · management?</p> <p>22 · . . . . A. · Supply chain management.</p> <p>23 · . . . . Q. · And HCM is human capital --</p> <p>24 · . . . . A. · Human capital management.</p> <p>25 · . . . . CRM, which is customer relationship</p> <p><b>56</b></p> <p>1 · management; financials.</p> <p>2 · . . . . I'm not a product person.</p> <p>3 · . . . . I -- I work with the compensation -- with</p> <p>4 · HCM. · That's it. · That's the extent of --</p>	
<p><b>58:4-58:8</b></p> <p>4 · . . . . Q. · To whom does Ed report?</p> <p>5 · . . . . A. · To Larry Ellison.</p> <p>6 · . . . . Q. · To whom does Kurian -- Thomas Kurian</p> <p>7 · report?</p> <p>8 · . . . . A. · To Larry Ellison.</p>	
<p><b>59:6-59:10</b></p> <p>6 · . . . . MR. FINBERG: · Q. · Chuck Rozwat, I think</p> <p>7 · you indicated he was an EVP, and he is in charge of</p> <p>8 · a big part of the support organization; is that</p> <p>9 · right?</p> <p>10 · . . . . A. · Yes.</p>	
<p><b>60:1-60:12</b></p> <p>1 · . . . . MR. FINBERG: · Q. · To whom does</p>	

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<p>2 · Chuck Rozwat report?  3 · · · · A · Mark Hurd.  4 · · · · Q · And you mentioned two IT people.  5 · · · · · There was a Mark Sunday.  6 · · · · A · Yes.  7 · · · · Q · To whom does he report?  8 · · · · A · To Chuck Rozwat.  9 · · · · Q · Okay · And another person for product  10 · development IT, does that person report to  11 · Chuck Roz- --  12 · · · · A · No · He reports to Thomas.</p>	
<p><b>62:15-62:23</b></p> <p>15 · · · · · MR. FINBERG: Q · Okay · How about  16 · Joyce Westerdahl?  17 · · · · A · Joyce is the EVP of HR.  18 · · · · Q · What are her duties and responsibilities  19 · in that position?  20 · · · · · MS. CONNELL: Calls for speculation.  21 · · · · · THE WITNESS: She oversees all areas of  22 · HR: compensation, benefits, employee relations, HR  23 · systems.</p>	
<p><b>64:17-65:4</b></p> <p>17 · · · · Q · What is Larry Ellison's title?  18 · · · · A · Chief technology officer --  19 · · · · Q · Is he --  20 · · · · A · -- and --  21 · · · · Q · -- also chair of the board?  22 · · · · A · -- chairman of the board.  23 · · · · Q · To whom does he report?  24 · · · · A · The board of directors.  25 · · · · Q · What is Steve Miranda's title?</p> <p><b>65</b></p> <p>1 · · · · A · Off the top of my head, I don't have any  2 · idea.  3 · · · · Q · Okay. Does he report to Thomas Kurian?  4 · · · · A · Yes.</p>	
<p><b>65:24-68:24</b></p> <p>24 · · · · · (Deposition Exhibit 24 was marked for  25 · · · · · identification.)</p>	

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1 · · · · · MR. FINBERG: Q. The court reporter has  
2 · marked it as Deposition Exhibit 24.  
3 · · · · · So the court reporter has marked as  
4 · Deposition Exhibit 24 a document that is  
5 · consecutively Bates-stamped -327 through -676 (sic).  
6 · · · · · Now --  
7 · · · · · MS. CONNELL: Wait. I have a different  
8 · document.  
9 · · · · · MR. FINBERG: You don't have -327  
10 · through --  
11 · · · · · MS. CONNELL: No. I have -667.  
12 · · · · · MR. MULLAN: Here you are (tendering).  
13 · · · · · MS. CONNELL: Okay. Thank you.  
14 · · · · · MR. MULLAN: Flip it around.  
15 · · · · · MS. CONNELL: Oh. Oh, yeah, I see.  
16 · · · · · MR. FINBERG: It was just in the wrong  
17 · order.  
18 · · · · · MS. CONNELL: Yeah. I'll take that back.  
19 · Okay.  
20 · · · · · MR. FINBERG: · -327 through -676.  
21 · · · · · MS. CONNELL: I see it.  
22 · · · · · MR. FINBERG: Q. Now, I am using it in  
23 · its consecutively Bates-stamped order because that's  
24 · how it was produced to us.  
25 · · · · · But it looks to me like it is a group of

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1 · documents and that some of them should be in a  
2 · different order and some of them aren't necessarily  
3 · part of the same piece.  
4 · · · · · So perhaps you can help me straighten this  
5 · out.  
6 · · · · · So looking at just the first page, it  
7 · looks to me like at least -327 through -409 are all  
8 · part of what should be one document.  
9 · · · · · What does -- what does that look like to  
10 · you? Do you recognize that?  
11 · · · · · MS. CONNELL: Take your time in reviewing  
12 · it.  
13 · · · · · I don't agree that it's all the same  
14 · document.  
15 · · · · · MR. FINBERG: Well, I don't think the  
16 · whole range, up through -627, is.  
17 · · · · Q. But let's start with -327 to -409, and  
18 · tell me what you think that is.  
19 · · · · A. · -327 to -409?

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<p>20 · · · · Q · Yeah.</p> <p>21 · · · · A · Okay. What are you -- what's your</p> <p>22 · question?</p> <p>23 · · · · Q · Well, let's start with, what is -327</p> <p>24 · through -409?</p> <p>25 · · · · · MS. CONNELL: I object to the premise that</p> <p><b>68</b></p> <p>1 · it's a single document, but...</p> <p>2 · · · · · MR. FINBERG: Q. Do -- do you recognize</p> <p>3 · this collection of pages?</p> <p>4 · · · · A · Yes --</p> <p>5 · · · · Q · Okay.</p> <p>6 · · · · A · -- I do.</p> <p>7 · · · · Q · Please tell me what they are.</p> <p>8 · · · · A · They are two different documents.</p> <p>9 · · · · Q · Okay. So tell me what the two different</p> <p>10 · documents are.</p> <p>11 · · · · A · The first one goes through -372 or -3- --</p> <p>12 · it looks like there isn't a -372.</p> <p>13 · · · · Q · Yeah, there's a -372.</p> <p>14 · · · · · MS. CONNELL: I think it's -- it's at the</p> <p>15 · bottom.</p> <p>16 · · · · · MR. FINBERG: Q. It says --</p> <p>17 · · · · · THE WITNESS: On the back.</p> <p>18 · · · · · MR. FINBERG: Q. It says "Oracle."</p> <p>19 · · · · A · Okay. So through -372.</p> <p>20 · · · · Q · Okay. What is that?</p> <p>21 · · · · A · It's a global compensation training module</p> <p>22 · to help managers understand some of the practices of</p> <p>23 · how to manage pay for their employees and how to</p> <p>24 · make pay decisions.</p> <p><b>77:3-78:5</b></p> <p>3 · · · · · So are -- all of these modules that we've</p> <p>4 · looked at that are listed here, were they all</p> <p>5 · developed in 2011?</p> <p>6 · · · · A · Yes.</p> <p>7 · · · · Q · Okay. And have they all been used by</p> <p>8 · Oracle for compensation training of managers since</p> <p>9 · 2011?</p> <p>10 · · · · A · These or some variation of these, yes.</p> <p>11 · · · · Q · Okay. And these are used company-wide?</p> <p>12 · · · · A · Yes.</p>	

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<p>13 · · · · · MS. CONNELL:· Objection. Vague, but...</p> <p>14 · · · · · MR. FINBERG:· Q· And individual offices</p> <p>15 · don't develop manager compensation training;</p> <p>16 · correct?</p> <p>17 · · · · · MS. CONNELL:· Objection. Calls for</p> <p>18 · speculation.</p> <p>19 · · · · · THE WITNESS:· Not to my knowledge.</p> <p>20 · · · · · MR. FINBERG:· Q· Okay. How is this</p> <p>21 · training given to managers?</p> <p>22 · · · · · A· We have done some live sessions.</p> <p>23 · · · · · And we also have -- these are all recorded</p> <p>24 · as individual on-demand videos that managers can</p> <p>25 · click on a topic and listen to the presentation of</p> <p><b>78</b></p> <p>1 · it online.</p> <p>2 · · · · · Q· Is it required for managers who are</p> <p>3 · involved in making compensation decisions to either</p> <p>4 · listen to or go online and review these modules?</p> <p>5 · · · · · A· Not to my knowledge.</p>	
<p><b>79:16-80:3</b></p> <p>16 · · · · · MR. FINBERG:· Q· Sure.</p> <p>17 · The compensation training modules that are</p> <p>18 · in Exhibit 24, do they set forth Oracle's policies</p> <p>19 · and practices with respect to compensation for all</p> <p>20 · of Oracle's facilities in California since 2011?</p> <p>21 · · · · · MS. CONNELL:· Vague and ambiguous:· Same</p> <p>22 · objection.</p> <p>23 · · · · · THE WITNESS:· So we don't -- we don't</p> <p>24 · really have compensation policies, per se.</p> <p>25 · · · · · These outline our guidelines and kind of</p> <p><b>80</b></p> <p>1 · a framework to kind of help them to make their</p> <p>2 · decisions and better understand compensation.</p> <p>3 · · · · · We refer to it as "Compensation 101."</p>	
<p><b>80:4-9</b></p> <p>4 · · · · · MR. FINBERG:· Q· So this is as close as</p> <p>5 · Oracle comes to having compensation policies --</p> <p>6 · these compensation guidelines?</p> <p>7 · · · · · MS. CONNELL:· Objection. Misstates her</p> <p>8 · testimony.</p> <p>9 · · · · · THE WITNESS:· And we don't have policies.</p>	

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<p><b>80:10-81:3</b></p> <p>10 · · · · It's -- it's meant to educate them and 11 · · · · help them to make -- 12 · · · · MR. FINBERG: Q. Okay. 13 · · · · A. -- good decisions. 14 · · · · Q. So these guidelines have applied to all 15 · · · · Oracle offices in California since 2011; correct? 16 · · · · A. Yes. 17 · · · · Q. And all managers at Oracle's offices in 18 · · · · California since 2011 have been encouraged to follow 19 · · · · these guidelines; correct? 20 · · · · MS. CONNELL: Objection. Misstates her 21 · · · · testimony and calls for speculation. 22 · · · · THE WITNESS: In the -- the HR business 23 · · · · partners know this content. They know the 24 · · · · Compensation 101, the -- the best practices. If 25 · · · · they don't, they partner with their compensation</p> <p><b>81</b></p> <p>1 · · · · consultant. 2 · · · · So I would say their managers are advised 3 · · · · with this content in mind.</p>	
<p><b>83:14-86:12</b></p> <p>14 · · · · · Without belaboring it, can you briefly 15 · · · · describe what the other functions do? 16 · · · · · MS. CONNELL: I just object as clearly 17 · · · · beyond the scope of the PMK topics and I don't think 18 · · · · generally relevant to the case. 19 · · · · · But she can answer in her percipient 20 · · · · capacity if she knows the answer. 21 · · · · · THE WITNESS: Administration would be, 22 · · · · basically, what that word means, administrative 23 · · · · assistant, people who do administrative work. 24 · · · · · The consulting function is for our 25 · · · · consultants, our professional services people who</p> <p><b>84</b></p> <p>1 · · · · help our customers roll out the products they've 2 · · · · purchased. 3 · · · · · MR. FINBERG: Q. And to whom do these two 4 · · · · organizations report? 5 · · · · A. It's not a "to whom." 6 · · · · · It -- they are -- they're all across the</p>	

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<p>7 · company. 8 · · · · Q · Okay. 9 · · · · A · Facilities would be management of our 10 · buildings. 11 · · · · · Human resources we've talked about. 12 · · · · · Legal is our legal team. 13 · · · · · Marketing is marketing. 14 · · · · · Sales is the selling of our products. 15 · · · · · Training is the training of our customers 16 · on our products. 17 · · · · · Business practices is a very general -- 18 · general operations type of function. 19 · · · · · Finance is finance. 20 · · · · · Manufacturing and distribution, again, 21 · just as the name implies. 22 · · · · · And then pre-sales would be our demo 23 · types, our people who go in to show prospects -- 24 · prospective customers what our products can do for 25 · them.</p>	
<p><b>85</b> 1 · · · · Q · And the second bullet point on this page 2 · says -- well, the first bullet point is: 3 · · · · · "Function describes the type of work the 4 · · · · · employee performs." 5 · · · · · The second bullet point says: 6 · · · · · "It is not necessarily specific to the 7 · · · · · employee's LOB." 8 · · · · · What does that mean? 9 · · · · · Does "LOB" mean line of business? 10 · · · · A · "LOB" is line of business. 11 · · · · Q · And what is a line of business? 12 · · · · A · Line of business are -- is -- generally, 13 · an organization that is led by a specific person, we 14 · would refer to as a line of business. 15 · · · · · That sentence is put into there because -- 16 · simply because somebody has a job code in the 17 · finance function doesn't mean they roll up to a 18 · line of business that is, in general, known as the 19 · finance line of business. 20 · · · · Q · What does that mean? 21 · · · · A · For example, it is generally fairly well 22 · known that Safra Catz heads up our finance 23 · organization.</p>	

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<p>24 · · · · · However, there are people performing  25 · finance roles that finance -- in -- in a job code</p> <p><b>86</b></p> <p>1 · within the finance function who report all over the  2 · organization and might roll up to Larry Ellison or  3 · might roll up to Mark Hurd instead.  4 · · · · Q · Okay. What are the "lines of business"?  5 · · · · · MS. CONNELL: · Again, same objection, that  6 · this is beyond the scope of her PMK topics.  7 · · · · · But she can answer in her percipient  8 · capacity, if she knows.  9 · · · · · THE WITNESS: · We on the compensation team  10 · generally refer to a line of business by using a  11 · leader name, so, like, Dave Donatelli and his line  12 · of business.</p>	
<p><b>87:1-88:3</b></p> <p>1 · · · · · MR. FINBERG: · Q · All right. Why don't we  2 · just -- give me your best shot at listing the heads  3 · of lines of business and tell me what lines.  4 · · · · · So Dave Donatelli, what is his line of  5 · business?  6 · · · · A · I don't know. I don't know the specifics.  7 · · · · · MS. CONNELL: · Again --  8 · · · · · THE WITNESS: · I know names of people.  9 · · · · · MR. FINBERG: · Q · Okay. Well, what are  10 · the other names that you know head lines of  11 · businesses?  12 · · · · · MS. CONNELL: · And, again, I'm just going  13 · to assert an objection that that is beyond the scope  14 · of the PMK topics.  15 · · · · · She can answer, if she knows.  16 · · · · · THE WITNESS: · For -- for the purposes of  17 · compensation, we speak in terms of a line of  18 · business as, like, the direct reports to each,  19 · Larry, Mark, and Safra.  20 · · · · · So Thomas Kurian would have a line of  21 · business -- he's -- his line of business under  22 · Larry; Edward Screven, his line of business under  23 · Larry; Rich Garaffo, his line of business under  24 · Mark; Chris Donato, his line of business under Mark;  25 · Jim McGeever, line of business under Mark;</p>	

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<p><b>88</b>  1 · Jennifer Birk, her line of business under Mark;  2 · Chuck Rozwat, his line of business (sic);  3 · Luiz Meisler, his line of business under Mark.</p>	
<p><b>90:12-93:12</b>  12 · . . . . MR. FINBERG: Q. So the court reporter  13 · has marked as Exhibit 25 a document that has a Bates  14 · number 4822 in the front, and then I guess the rest  15 · of it doesn't have Bates numbers, but it appears to  16 · be part of the same document.  17 · . . . . Do you recognize what's been marked as  18 · 4822?  19 · . . . A. Yes.  20 · . . . Q. What is that?  21 · . . . A. This is some training that was put  22 · together to educate -- I believe it was a target  23 · company for M and A purposes, to explain to them  24 · how our mapping process works in bringing in an  25 · acquisition and their employees over.</p> <p><b>91</b>  1 · . . . Q. Okay. Were you involved in the  2 · development of this?  3 · . . . A. I was not.  4 · . . . Q. Okay. And it looks -- on the first page,  5 · it says 2016.  6 · . . . . Is it your understanding that it was  7 · developed on or about 2016?  8 · . . . A. Yes.  9 · . . . Q. Okay. So let's look at internal page 9,  10 · where it says "Job Functions, Speciality Areas and  11 · Job Families."  12 · . . . . Do you see that?  13 · . . . A. Yes.  14 · . . . Q. Okay. So for "Product Development," it  15 · lists four specialties: "Development, Product  16 · Management, Technical Writing, Technical/Process  17 · QA."  18 · . . . . What are those -- what does that mean,  19 · that there are four specialties within product  20 · development?  21 · . . . . MS. CONNELL: Objection. Misstates the  22 · document.</p>	

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23 · · · · · MR. FINBERG: Well, the witness can 24 · correct me if I've misstated it. 25 · · · · · THE WITNESS: So it's a subset.	
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1 · · · · · I mean, this is just kind of a sample to	
2 · explain to them how this works.	
3 · · · · · If you refer to document -655, part of	
4 · Exhibit 24, it talks about the specialty area and	
5 · how the specialty describes the work performed	
6 · within a certain function. And a function may have	
7 · four to eight specialty areas. So the specialty	
8 · area is just a way to further classify different	
9 · groups of jobs.	
10 · · · · · MR. FINBERG: Q. So does product	
11 · development have more specialty areas than these	
12 · four, or are these the four?	
13 · · · · A. Off the top of my head, I don't recall.	
14 · · · · Q. And how would you describe what it -- what	
15 · these specialty areas mean?	
16 · · · · A. Which ones?	
17 · · · · Q. Well, development. What do people in the	
18 · specialty area development of product development	
19 · do?	
20 · · · · · MS. CONNELL: Objection. Compound; calls	
21 · for speculation.	
22 · · · · · THE WITNESS: The -- the job families that	
23 · fall under the development specialty area, in	
24 · general, tend to be our software developers, our	
25 · hardware developers, our applications developers.	
<b>93</b>	
1 · They're like our engineers, per se.	
2 · · · · · MR. FINBERG: Q. So in the next column,	
3 · where it talks about job families --	
4 · · · · A. Uh-huh.	
5 · · · · Q. -- and then it says, "Software	
6 · Development, Hardware Development, User Experience	
7 · Development," there could be software engineers,	
8 · hardware engineers, and user experience engineers	
9 · who are all within the specialty development within	
10 · product development?	
11 · · · · A. Could be.	
12 · · · · · We don't use the term "engineer."	

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<p><b>93:13-20</b></p> <p>13 · · · · · The job family would be software 14 · development. And it would have a lot of levels of 15 · software developer, 1, 2, 3, 4. That's what the 16 · family is called. 17 · · · · · And then there's hardware development, 1, 18 · 2, 3, 4. 19 · · · · · But that would fall under the specialty 20 · area of development.</p>	
<p><b>95:1-95:16</b></p> <p>1 · · · · · MR. FINBERG: Q. The court reporter has 2 · marked as Plaintiff's Exhibit 26 a document that has 3 · the Bates numbers 6678. I'm not sure. I think it 4 · might have been a -- the other side of -79 -- to 5 · -79. 6 · · · · · Do you recognize this? 7 · · · · A. I do. 8 · · · · Q. What is this? 9 · · · · A. It is a -- it is a document that lists and 10 · gives more information about what our functions in 11 · specialty areas are, along with a very general 12 · overview of what the people in those functions and 13 · specialty areas do. 14 · · · · Q. About when was this document created? 15 · · · · A. I believe the version that I have was, 16 · like, 2009.</p>	
<p><b>98:3-98:17</b></p> <p>3 · · · · Q. And why is a job family important? What's 4 · the significance of being in a job family? 5 · · · · · MS. CONNELL: Objection. Vague and 6 · assumes facts. 7 · · · · · MR. FINBERG: Q. That's listed on 8 · Exhibit 25. 9 · · · · A. It's some -- just a little bit more 10 · specific about what, within that specialty area, 11 · does the person do. 12 · · · · · As the exhibit says, it's what is the 13 · discipline within that. 14 · · · · Q. And who makes those determinations about 15 · who's in a specialty area and who's in a job family? 16 · · · · A. What job families are in which specialty 17 · area is determined by the global compensation team.</p>	

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<p><b>100:22-103:9</b></p> <p>22 ···· Q· Okay· So 6678 says:                  23 ····· "In order to provide accurate, consistent,                  24 ····· employee information for global reporting                  25 ····· and analysis, Oracle must classify all</p> <p><b>101</b></p> <p>1 ····· employees according to four standard                  2 ····· categories: Function, Specialty Area,                  3 ····· Career Level, and Product Association."                  4 ····· So what does that mean?                  5 ····· MS. CONNELL:· Objection· Calls for                  6 ·speculation.                  7 ····· THE WITNESS:· This document was -- I -- I                  8 ·wasn't part of creating.                  9 ····· But the framework helps us to put our                  10 ·employees into buckets, general categories of what                  11 ·they do.                  12 ····· MR. FINBERG:· Q· And why is that helpful?                  13 ···· A· So we can get a good idea of how many                  14 ·employees we have performing general duties of --                  15 ·of, say, the software engineering specialty area or                  16 ·the -- in specific job codes· We can get a general                  17 ·idea of the numbers of people in which locations.                  18 ····· And -- and, also, it's -- from a                  19 ·compensation standpoint, it's -- it's the way that                  20 ·we report our data for salary surveys and the way                  21 ·that we get market data on competitive pay                  22 ·practices.                  23 ···· Q· So you set salaries, in part, by job                  24 ·title?                  25 ····· MS. CONNELL:· Objection· Misstates her</p> <p><b>102</b></p> <p>1 ·testimony.                  2 ····· THE WITNESS:· No.                  3 ····· Salary -- we get down to job code and                  4 ·location and market data.                  5 ····· MR. FINBERG:· Q· Okay· And what does a                  6 ·job code consist of?                  7 ···· A· It's numbers, and it's the unique                  8 ·identifier for the jobs within a job family.                  9 ···· Q· Okay· Well, there are some other pages                  10 ·here that have it in more specific detail that we'll</p>	

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<p>11 · come to a bit later.  12 · . . . . But for the purpose of this page, it  13 · says:  14 · . . . . "PRODUCT  15 · . . . . "Is the position associated with a  16 · . . . . particular product?"  17 · . . . . What does that mean?  18 · . . . A. We -- we don't use that anymore.  19 · . . . . And, again, I did not develop this.  20 · . . . . But I believe we used to have certain job  21 · codes that were only used in association with people  22 · who worked on a certain product.  23 · . . . Q. Okay. And when did you stop doing that?  24 · . . . A. I don't know.  25 · . . . . The job codes in IT and development, in</p> <p><b>103</b></p> <p>1 · particular, have never been product-associated.  2 · . . . . I'm not familiar with support.  3 · . . . Q. So IT and product development were  4 · never -- people in IT and product development were  5 · never coded based on particular products?  6 · . . . A. No.  7 · . . . Q. "No" meaning that's correct; they never  8 · were?  9 · . . . A. That is correct; they never were.</p>	
<p><b>104:3-25</b></p> <p>3 · . . . So when an employee is hired -- let's say  4 · it's either a college hire or a lateral from another  5 · company -- how is -- who's the person who sets the  6 · initial amount of compensation that person receives?  7 · . . . MS. CONNELL: Objection. Compound and  8 · vague.  9 · . . . You can answer.  10 · . . . THE WITNESS: So for the question of who's  11 · the person who sets the initial compensation for a  12 · new hire, the manager makes that decision.  13 · . . . MR. FINBERG: Q. And what manager is --  14 · is that?  15 · . . . A. The manager of the person who's coming on  16 · board.  17 · . . . Q. And before making that decision, does that  18 · manager have to get approval for that amount?</p>	

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<p>19 ···· MS. CONNELL:· Objection.· Vague as to                  20 · "before making that decision."                  21 ···· THE WITNESS:· Approval -- I would say                  22 · they, most likely, speak to their immediate manager                  23 · to bounce the idea of the compensation package off                  24 · of the next-level person.                  25 ···· But that would be the extent of that.</p>	
<p><b>105:01-111:23</b></p> <p>1 ······ MR. FINBERG:· Q.· But all initial salaries                  2 · are approved way up the chain; correct?                  3 ······ MS. CONNELL:· Objection.· Assumes facts                  4 · and vague.                  5 ······ THE WITNESS:· They are -- they are                  6 · reviewed way up the chain.                  7 ······ MR. FINBERG:· Q.· Including by                  8 · Lawrence Ellison; correct?                  9 ···· A.· He personally does not review anything,                  10 · no.                  11 ···· Q.· But his office does?                  12 ···· A.· A representative of his office, yes.                  13 ···· Q.· And that's for setting the initial salary                  14 · for each new employee at Oracle; correct?                  15 ···· A.· It is a review of what has been submitted.                  16 ···· Q.· And it's an essential part of setting the                  17 · salary?· The salary cannot be set at a particular                  18 · level until Mr. Ellison's office has reviewed that                  19 · amount; correct?                  20 ······ MS. CONNELL:· Objection.· Assumes facts;                  21 · compound; vague and ambiguous.                  22 ······ THE WITNESS:· I wouldn't say it's                  23 · Mr. Ellison's office.                  24 ······ We refer to it as the board of directors'                  25 · approval because it is for all organizations</p> <p><b>106</b></p> <p>1 · globally.                  2 ······ And that final app- -- it's not an                  3 · approval.· It's -- a final review is more for sanity                  4 · check purposes, not anything more than that.                  5 ······ MR. FINBERG:· Q.· But they have the power                  6 · to reject the number; correct?                  7 ···· A.· I suppose they do.                  8 ···· Q.· And do they on occasion?</p>	

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<p>9 · · · · · MS. CONNELL: · Objection. · Calls for  10 · speculation.  11 · · · · · THE WITNESS: · I haven't been part of that  12 · review process in a few years.  13 · · · · · I was during the -- during the period  14 · from -- going back to 2013, I was part of it.  15 · · · · · And it is incredibly rare because by the  16 · time it has worked its way up, the submitting  17 · manager has worked with their HR business partner or  18 · their compensation consultant, or both, and they  19 · have proposed an offer that they can justify.  20 · · · · · MR. FINBERG: · Q. · But it did happen  21 · sometimes while you were working in that area?  22 · · · · · MS. CONNELL: · Objection. · Misstates her  23 · testimony.  24 · · · · · THE WITNESS: · I can't recall a specific  25 · instance.</p> <p><b>107</b></p> <p>1 · · · · · MR. FINBERG: · Q. · But your memory --  2 · · · · · A. · It's possible.  3 · · · · · Q. · -- is it did happen?  4 · · · · · A. · It's possible.  5 · · · · · Q. · And what role did the HR business partner  6 · and compensation consultant play in initial salary  7 · setting?  8 · · · · · MS. CONNELL: · Objection. · Compound and  9 · calls for speculation.  10 · · · · · But you can testify generally.  11 · · · · · THE WITNESS: · Advisory, I would say, to  12 · help the manager review a resumé, possibly to review  13 · the internal peer group, consider what that person  14 · brings to the table, and land on a -- on a  15 · reasonable offer in accordance with our established  16 · salary ranges.  17 · · · · · (Deposition Exhibit 27 was marked for  18 · · · · · identification.)  19 · · · · · MR. FINBERG: · Q. · The court reporter has  20 · marked as Plaintiff's 27 a document with the Bates  21 · numbers ORACLE_JEWETT-164 through -199, which were  22 · marked previously at the deposition of one of the  23 · named plaintiffs, Ms. Wang.  24 · · · · · And I'd like to turn your attention to  25 · Bates number -174. · And it says:</p>	

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<p><b>108</b> 1 · · · · · "Sophy Wang has been approved for hire by 2 · · · · · ELLISON_APPR, LARRY." 3 · · · · · What does that mean? 4 · · · · A · At -- at this particular point in time, 5 · · · · Larry was our lone CEO. 6 · · · · · So at that time, he was -- there was still 7 · · · · a few people who worked -- it was essentially his 8 · · · · office, similar to what we have today, only more 9 · · · · people are represented by those people. 10 · · · · · This, essentially, means that it worked 11 · · · · its way up the chain and passed the sanity check at 12 · · · · the top. 13 · · · · · But Larry personally didn't see it. 14 · · · · Q · And how do you know that? 15 · · · · A · How do I know he didn't see it? 16 · · · · Q · Yeah. 17 · · · · A · Because he -- workflows don't go to him. 18 · · · · They never did. 19 · · · · Q · Okay · So when it says it's been approved 20 · · · · by him, it means somebody working with him? 21 · · · · A · It's on behalf of. 22 · · · · Q · Okay · All right · And this time is -- the 23 · · · · document is dated March 2008. 24 · · · · · So up through what period of time was that 25 · · · · true?</p>	
<p><b>109</b> 1 · · · · A · That he was the final approver? 2 · · · · Q · Yeah. 3 · · · · A · I don't -- I don't recall exactly when we 4 · · · · went to our co-CEOs · It's been four or five years 5 · · · · maybe · I don't know the exact time. 6 · · · · Q · Okay · And it says: 7 · · · · · "The offer has been forwarded to Phan, 8 · · · · · Susan for approval." 9 · · · · · Who is she? 10 · · · · A · She would have been the HR representative. 11 · · · · Q · Okay · And below that it says: 12 · · · · · "Candidate: Sophy Wang 13 · · · · · "Last Approver:· ELLISON_APPR, LARRY." 14 · · · · · And then it says: 15 · · · · · "This offer was approved by 16 · · · · · Thomas Kurian..."</p>	

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17 ····· So he was the president of product 18 · development? 19 ····· A · At that time I don't believe he had that 20 · title, but yes. 21 ····· Q · Do you remember what his title was at that 22 · time? 23 ····· A · He was an EVP before he was president. 24 ····· Q · Okay · And then it lists Steve Miranda. 25 ····· What was his title?	
<b>110</b> 1 ····· A · I don't know. 2 ····· Q · He was in product development 3 · applications, a vice president level? 4 ····· A · Probably vice president, senior 5 · vice president · I'm not sure. 6 ····· Q · And Anil Jain, what was his title? 7 ····· (Clarification requested by the reporter.) 8 ····· THE WITNESS · Anil -- 9 ····· MR. FINBERG · A-n-i-l, and then Jain, 10 · J-a-i-n. 11 ····· THE WITNESS · I don't have any idea. 12 ····· MR. FINBERG · Q · Was he a VP? 13 ····· A · I don't know. 14 ····· Q · And then it says "Gerald Goodbody," 15 · G-e-r-a-l-d · Who was Gerald Goodbody? 16 ····· A · I don't know. 17 ····· Q · Okay · Is this common, that there would 18 · be -- one, two, three, four, five -- six approvals 19 · of the salary of an initial hire? 20 ····· MS. CONNELL · Objection · Vague and 21 · ambiguous; calls for speculation. 22 ····· THE WITNESS · The number of approvers 23 · depends on how far down in the organization the 24 · person is. 25 ····· MR. FINBERG · Q · So the further down you	
<b>111</b> 1 · are, the more approvers there are? 2 ····· A · Correct, because it works its way up to 3 · CEO office. 4 ····· Q · And so any new hire, it works its way up 5 · to the CEO office? 6 ····· MS. CONNELL · At this point in time? 7 ····· THE WITNESS · At this point in time, yes.	

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<p>8 · · · · · MR. FINBERG: Q. Well, and that remains 9 · true through the present; correct? 10 · · · · · MS. CONNELL: Objection. Misstates her 11 · testimony. 12 · · · · · THE WITNESS: It is not the same process 13 · today. 14 · · · · · MR. FINBERG: Q. Okay. What is the 15 · process today? 16 · · · · A. I believe it only goes one level up, and 17 · then -- maybe two, but then straight to the CEO 18 · office to accelerate the process of getting a new 19 · hire onboard. 20 · · · · Q. When did that happen? 21 · · · · A. I think 2017. 22 · · · · Q. Do you know about when in 2017? 23 · · · · A. I don't.</p>	
<p><b>112:18-116:22</b></p> <p>18 · · · · · (Deposition Exhibit 29 was marked for 19 · · · · · identification.) 20 · · · · · MR. FINBERG: Q. Okay. The court 21 · reporter has marked as Exhibit 29 a document with 22 · the Bates numbers -784 through -845. 23 · · · · · These were marked and relate to another 24 · plaintiff, Xian Murray, whose name was then 25 · Xian Luo.</p> <p><b>113</b></p> <p>1 · · · · · I would like to turn your attention to 2 · page -836. And it says: 3 · · · · · "Tanksley, Kim's job offer to Xian Luo 4 · · · · · requires approval." 5 · · · · · And it's from Thomas Kurian to 6 · Lawrence Ellison, dated 12 November, 2010. 7 · · · · · So what does this page signify? 8 · · · · A. It signifies that it was a new hire within 9 · Thomas's organization that worked its way up the 10 · chain from the immediate manager up to Thomas, and 11 · that Thomas was -- and that it was looking for the 12 · final cursory review to go forward with the hire. 13 · · · · Q. Okay. And let me look at -- have you look 14 · at page -840. 15 · · · · · And it looks like at the bottom there's a 16 · line item DeValle, Shawn, 8 November; Activity</p>	

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<p>17 · Result: Approved. 18 · . . . . And then there's, two lines above that, 19 · Dumont, Chantal, 8 November, Approved. 20 · . . . . Two lines above that, Lynn, Lawrence, 12 21 · November, Approved. 22 · . . . . And then two lines above that, Ellison, 23 · Lawrence, 12 November, Approved. 24 · . . . . What does this page signify? 25 · . . . A. So this one is a little bit different.</p>	
<p><b>114</b> 1 · . . . . I know Chantal Dumont's name from our 2 · product development college recruiting department. 3 · . . . . Lawrence Lynn is a direct report to 4 · Larry Ellison, and he heads up our product 5 · development college recruiting program. 6 · . . . . And so this -- 7 · . . . . (Clarification requested by the reporter.) 8 · . . . . THE WITNESS: Lawrence -- Lawrence Lynn 9 · heads up our college recruiting for product 10 · development program, reporting directly to 11 · Larry Ellison. 12 · . . . . And so this signifies to me that this was 13 · a hire through that college program. 14 · . . . . MR. FINBERG: Q. Okay. And so this hire 15 · and the salary for this hire was approved by 16 · Shawn DeValle, Chantal Dumont, Lawrence Lynn, and 17 · Lawrence Ellison; correct? 18 · . . . A. It was reviewed by -- for the college hire 19 · program. 20 · . . . . At the beginning of each fiscal year, they 21 · set what the package will look like. 22 · . . . . And then pretty much all offers from -- 23 · for -- for a specific job code for -- from certain 24 · schools -- from this that was generated from this 25 · program, they essentially get the similar -- a</p>	
<p><b>115</b> 1 · similar offer. 2 · . . . Q. Okay. But this particular offer and the 3 · amount of the offer was approved by each of these 4 · four people, Shawn DeValle, Chantal Dumont, 5 · Lawrence Lynn, and Lawrence Ellison; correct? 6 · . . . . MS. CONNELL: Objection. Misstates her 7 · testimony as to Ellison's role.</p>	

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<p>8 · · · · · THE WITNESS:· Yeah, I wouldn't say 9 · · "approved by." 10 · · · · · MR. FINBERG:· Q· Well, in the "Activity 11 · · Result" column, it has the word "Approved"; correct? 12 · · · · A· Yes. 13 · · · · · It -- it -- it got the stamp. 14 · · · · · Personally in detail reviewed?· No. 15 · · · · Q· You don't have personal knowledge one way 16 · · or the other -- 17 · · · · A· I know that -- 18 · · · · Q· -- how much time Mr. Ellison -- 19 · · Larry Ellison -- 20 · · · · A· I know that Larry Ellison does not review 21 · · offers· I do know that. 22 · · · · Q· You don't really have personal knowledge 23 · · of how he spends his time; correct? 24 · · · · A· I know that he does not review offers. 25 · · · · Q· And how do you know that?</p>	
<p><b>116</b> 1 · · · · A· Because I know the person who does review 2 · · the offers on his behalf. 3 · · · · Q· Who is that? 4 · · · · A· Her name is Carolyn Balkenhol, 5 · · B-a-l-k-e-n-h-o-l. 6 · · · · Q· And to your knowledge, does she consult 7 · · with Mr. Ellison about these topics? 8 · · · · A· No. 9 · · · · · MR. FINBERG:· Can you get me -6666? 10 · · · · · (Deposition Exhibit 30 was marked for 11 · · · · · identification.) 12 · · MR. FINBERG:· Q· The court reporter has 13 · · marked as Plaintiff's Exhibit 30 the documents 14 · · with the Bates range ORACLE-JEWETT-6658 through 15 · · -68 (sic). 16 · · · · · Let me turn your attention to page -6666. 17 · · · · · And it says: 18 · · · · · "LJE has approved a new compensation 19 · · · · · package for our top schools (MIT, 20 · · · · · Stanford, Caltech and CMU)." 21 · · · · · Who is "LJE"? 22 · · · · A· That's Larry Ellison.</p>	

**118:17-125:22**

17 · . . . Q. · All right. · The court reporter has marked  
18 · as Exhibit 31 a document that's Bates stamped 5430,  
19 · but it's a spreadsheet that has four pages. · And it  
20 · has the title "Global Approval Matrix - Automated."  
21 · . . . . Do you recognize this?

22 · . . . A. · I do.

23 · . . . Q. · What is this?

24 · . . . A. · It's the graphic representation of what  
25 · levels of approvals are needed for various

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1 · decisions.

2 · . . . Q. · Okay. · And who creates this document?

3 · . . . A. · Someone on the HR team.

4 · . . . Q. · To whom is it circulated?

5 · . . . A. · I -- it's posted on the HR website. · And I  
6 · know members of HR can see it. · It's possible that  
7 · it's available for managers to see.

8 · . . . . And it represents how far a -- how far up  
9 · in the hierarchy a -- something would have to be  
10 · reviewed in order to be committed to an employee's  
11 · record.

12 · . . . Q. · Okay. · And this particular one,  
13 · Exhibit 31, is from November 1, 2014; correct?

14 · . . . A. · It looks like it.

15 · . . . Q. · All right. · And so, for "Standard Hire, in  
16 · Budget" -- the first column after that says, "HR,"  
17 · and there's an "X." · And the key says X means  
18 · "required approval level."

19 · . . . . So does that mean that HR needs to approve  
20 · a standard hire in budget before making an offer?

21 · . . . A. · They do give a stamp of approval before it  
22 · moves on.

23 · . . . Q. · Okay. · And then there are various levels  
24 · after that.

25 · . . . . So there's "1 Lvl." · What does that mean?

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1 · . . . A. · Probably first-level manager.

2 · . . . Q. · Okay. · And then there's "M6 VP." · Who's  
3 · that?

4 · . . . A. · We have thousands of them in the company.

5 · . . . Q. · Okay. · "M7 SVP," that's a senior VP?

6 · . . . A. · Uh-huh.

7 · . . . Q. · VP is vice president?

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<p>8 · · · · A · Yes. 9 · · · · Q · SVP is senior vice president? 10 · · · · A · Yes. 11 · · · · Q · "M8 Div Head," that's a division head? 12 · · · · A · A division head, yes. 13 · · · · Q · Who are the division heads? 14 · · · · A · I'm not sure about that title, "division 15 · head." 16 · · · · · Our M8 is considered our EVPs, executive 17 · vice presidents. And we have 27 of them, I think. 18 · · · · Q · Okay. So Rozwat was one of those? 19 · · · · A · Yes. 20 · · · · Q · Miranda is one of those? 21 · · · · A · Yes. 22 · · · · Q · Okay. All right. And then above that 23 · is -- M10 is board of directors? 24 · · · · A · Yes. 25 · · · · Q · What would M9 be? Would that be Hurd and</p>	
<p><b>121</b> 1 · ·Catz? 2 · · · · A · M9 is, yes, Hurd and Catz. M9 is the 3 · president level. 4 · · · · Q · Okay. All right. And then it looks like 5 · there's also an HR approval after the board; is that 6 · correct? 7 · · · · A · It appears so. 8 · · · · Q · Do you understand what that is? 9 · · · · A · No, I don't. 10 · · · · Q · Does looking at this document refresh your 11 · recollection that HR needs to sign off on standard 12 · hires in budget after the board of directors has 13 · given its approval? 14 · · · · · MS. CONNELL: Objection. Assumes facts. 15 · · · · · THE WITNESS: I knew that HR reviewed. 16 · · · · · HR's purpose in these is to advise and 17 · give managers guidance on their hire offers. 18 · · · · · MR. FINBERG: Q · But it -- 19 · · · · A · But, essentially, it is up to the manager 20 · to make that decision. 21 · · · · · And there are occasions where a manager 22 · would say, "I don't agree with your assessment, and 23 · I'm going to put forth my offer." And it would 24 · still get a stamp to move on to the next level.</p>	

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<p>25 · · · · Q · So the key "X" means required approval</p> <p><b>122</b></p> <p>1 · level.</p> <p>2 · · · · · So the document seems to indicate, since</p> <p>3 · it has two HR Xs, that HR approval is required both</p> <p>4 · at the outside of the process and at the close of</p> <p>5 · the process.</p> <p>6 · · · · · Am I reading the document correctly?</p> <p>7 · · · · · MS. CONNELL: · Objection. · Assumes facts;</p> <p>8 · the document speaks for itself.</p> <p>9 · · · · · You don't have to adopt his interpretation</p> <p>10 · of the document.</p> <p>11 · · · · · THE WITNESS: · I -- I don't -- HR -- the</p> <p>12 · purpose of HR in these -- in this review is more to</p> <p>13 · ensure that what's been entered is accurate; there</p> <p>14 · aren't typos.</p> <p>15 · · · · · We've had -- HR would catch -- you know,</p> <p>16 · say, an offer was for \$80,000, and the manager</p> <p>17 · forgot a zero. · HR checks that and says, "I think</p> <p>18 · you meant 80, not 8,000. · Can you send it back?"</p> <p>19 · · · · · So HR's review is to kind of ensure</p> <p>20 · accuracy and kind of an overall oversight of what's</p> <p>21 · been submitted.</p> <p>22 · · · · · MR. FINBERG: · Q · Okay. · Let's turn to the</p> <p>23 · next page, which we'll call 5430, page 2.</p> <p>24 · · · · · And for "Dollars," number 2 -- line 2</p> <p>25 · says:</p> <p><b>123</b></p> <p>1 · · · · · "Base Salary Change - Increase."</p> <p>2 · · · · · And it looks like we have an X in the</p> <p>3 · first column for HR, and then we have -- it looks</p> <p>4 · like it's an X in the "Board of Directors" column.</p> <p>5 · · · · · What does that mean?</p> <p>6 · · · · A · That means a change submitted to increase</p> <p>7 · base salary gets a final stamp from the</p> <p>8 · representatives of our CEOs, who review these,</p> <p>9 · before they can be committed to the employee's</p> <p>10 · record.</p> <p>11 · · · · Q · How does that process work?</p> <p>12 · · · · A · The manager submits the change in</p> <p>13 · workflow.</p> <p>14 · · · · · And the workflow feeds to the next</p> <p>15 · appropriate level of -- of approvals. · And that</p>	

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16 person reviews, does a sanity check on what's been 17 submitted, and then it goes to the next level. 18 Q. And then there's a document like the new 19 hire packets that we saw before where there's a 20 column that says, "Approval required," and then it 21 says, "Approved"? 22 MS. CONNELL: Calls for speculation. 23 THE WITNESS: It gives the names? 24 MR. FINBERG: Q. Yes. 25 A. From the previous documents, the -- the	
<b>124</b> 1 workflows would show the levels and who checked, 2 yes. 3 Q. And you need to have that documentation 4 completed before the person gets the raise; correct? 5 A. The documentation? What do you mean? 6 Q. The approvals. Everybody needs to sign 7 off before the employee gets the raise; correct? 8 MS. CONNELL: Objection as to "sign off"; 9 misstates her testimony. 10 THE WITNESS: They -- they review it. 11 The workflow -- it won't get committed 12 unless it's been reviewed by the levels. 13 MR. FINBERG: Q. And until that level has 14 written "Approved" in the column? 15 A. They don't write "Approved." They 16 click -- well, they -- they don't type "Approved" 17 either. They don't -- 18 Q. They click "Approved"? 19 A. They -- they click -- and I don't even 20 know what the language is on it. But, essentially, 21 it's a, "Okay to move ahead." 22 Q. Okay. 23 A. But they -- but it's sanity-based. It's 24 not -- they are not digging into -- 25 Q. And the employee doesn't get the salary	
<b>125</b> 1 increase until the person at that level clicks the, 2 "It's okay to move forward"? 3 A. That's correct. 4 Q. All right. And "Dollars," No. 3: 5 "Bonuses (All Bonuses, Current & Termed 6 EEs)."	

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<p>7 ····· Is that terminated employees?  8 ····· A· Uh-huh.  9 ····· Q· Okay· Similarly, it looks like you need  10· initial approval by HR, and then board of directors  11· approval for bonuses; is that correct?  12····· A· It looks like it.  13····· Q· Okay· That's consistent with your  14· understanding?  15····· A· Yes.  16····· Q· And stock options -- there also needs to  17· be board of directors' approval before an employee  18· is given stock options?  19····· A· Yes.  20····· Q· And that's true regardless of whether it's  21· a new hire or a current employee?  22····· A· Yes.</p>	
<p><b>130:19-134:3</b></p> <p>19······ (Deposition Exhibit 34 was marked for  20······ identification.)  21······ MR. FINBERG:· Q· Okay· And Exhibit 34 is  22· a spreadsheet with Bates number 5433, and this one  23· is dated May 12th of 2016.  24······ So this process that we've been going  25· over continued to be in place through May of 2016;</p> <p><b>131</b></p> <p>1· correct?  2····· A· Which process?  3····· Q· The global approval matrix process of who  4· needs to sign off on various compensation decisions,  5· including initial pay setting of standard hire, base  6· salary increases, bonus increases, and stock.  7····· A· I'm assuming it was updated because  8· something changed· But, offhand, I don't know what  9· changed.  10····· Q· Do you see any changes of note on this  11· document?  12······ MS. CONNELL:· Objection to the extent the  13· document speaks for itself.  14······ MR. FINBERG:· Q· I mean, this document  15· has some additional content that wasn't on the  16· other.  17······ I mean, for example, let's look at page</p>	

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<p>18 · 5433, page 2, where there's some discussion of 19 · equity. 20 · . . . . And it looks like it breaks it down into 21 · a hundred (sic) share equivalents or less and then a 22 · hundred -- excuse me -- a hundred thousand share 23 · equivalents or less, a hundred thousand and one to 24 · 249,999 share equivalents, and then above 250,000 25 · share equivalents, as opposed to simply having an</p>	
<p><b>132</b> 1 · equity column before. 2 · . . . . MS. CONNELL: Misstates the document. 3 · . . . . MR. FINBERG: Q. Well, am I? No. Okay. 4 · Yes, that wasn't really -- 5 · . . . . (Clarification requested by the reporter.) 6 · . . . . MR. FINBERG: Counsel, Ms. Connell, 7 · pointed out that that was also in 33. And she's 8 · correct about that. 9 · . . . . I don't think it was in some of the 10 · earlier iterations, but I could be mistaken. 11 · . . . Q. But this one does say: 12 · . . . . "...approval by the appropriate Plan 13 · . . . . Committee member." 14 · . . . . What does that mean? 15 · . . . A. I'm sorry. Where are you looking? 16 · . . . Q. I'm looking at -- it's Exhibit 34. It's 17 · page 2. It's "Equity," and it's got an X in the 18 · "CEO...and Executive Chairman and CTO" column. And 19 · it says, "See Notes." And the notes say: 20 · . . . . "Requires approval by the appropriate Plan 21 · . . . . Committee member." 22 · . . . A. We have -- essentially, our board of 23 · directors has approved four people to -- as plan 24 · committee members in regards to equity grants. 25 · . . . . And as you can see, it's mostly incredibly</p>	
<p><b>133</b> 1 · high equity grants. It's like our top executive 2 · offers. 3 · . . . . And we have -- Larry and Mark and Safra 4 · and Thomas are the four plan committee members. 5 · . . . . And this was set forth because -- for -- 6 · we had various -- various levels of grants requiring 7 · certain actions before those could be signed off 8 · on.</p>	

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<p>9 · · · · · MR. FINBERG: (Addressing the reporter)  10 · Okay. Is the next one 35?  11 · · · · · THE REPORTER: Yes.  12 · · · · · (Deposition Exhibit 35 was marked for  13 · · · · · identification.)  14 · · · · · MR. FINBERG: Q. Okay. Exhibit 35 is  15 · another Global Approval Matrix. This one is dated  16 · June 1st, 2016, and it has -- it's a spreadsheet  17 · with the Bates number 5429.  18 · · · · · And what is this?  19 · · · · A. It looks like yet another update.  20 · · · · Q. Okay. And, again, it -- this date and  21 · time, standard hire, salary increase, base salary  22 · increase -- both require check-off from the M10  23 · level; right?  24 · · · · A. The last review before committing to the  25 · system, yes, goes up to -- not the M10s personally,</p> <p><b>134</b>  1 · but the people in the office representing them and  2 · responsible for the review.  3 · · · · Q. Okay.</p>	
<p><b>134:6-134:23</b></p> <p>6 · · · · · MR. FINBERG: Q. Okay. The court  7 · reporter has marked as Exhibit 37 (sic) another  8 · spreadsheet, this one with the Bates numbers 5431.  9 · · · · · MR. THOREEN: Thirty-six.  10 · · · · · MR. FINBERG: Oh, I'm sorry.  11 · · · · · (Addressing the reporter) Is this 36,  12 · Jane?  13 · · · · · THE REPORTER: This is 36.  14 · · · · · MR. FINBERG: I'm sorry.  15 · · · · Q. This one is dated September 2, 2016.  16 · · · · · And what -- what is Exhibit 36?  17 · · · · A. Another update.  18 · · · · Q. And has the process set forth in these  19 · Global Approval Matrix -- Matrices remained in place  20 · through the present?  21 · · · · A. I don't have any idea what the latest  22 · iteration is, but we still have a -- general  23 · approval matrices, yes.</p>	
<p><b>134:24-135:19</b></p> <p>24 · · · · Q. And it's still the case that the CEOs and</p>	

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<p>25 · executive chairman, CE- -- CTO, signs off on</p> <p><b>135</b></p> <p>1 · standard hires and initial salary?</p> <p>2 · · · · MS. CONNELL: · Objection. · Misstates her</p> <p>3 · testimony.</p> <p>4 · · · · THE WITNESS: · Not them personally, no.</p> <p>5 · · · · That -- it is a representative of the</p> <p>6 · office that reviews for pretty much sanity check</p> <p>7 · that what's coming through can be committed into the</p> <p>8 · system.</p> <p>9 · · · · MR. FINBERG: · Q: · And still signs off on</p> <p>10 · the base salary increases?</p> <p>11 · · · · A: · Also still reviews for sanity purposes a</p> <p>12 · base salary increase that has been submitted.</p> <p>13 · · · · Q: · And still reviews all bonuses?</p> <p>14 · · · · A: · Yes. · Again, for sanity purposes, they</p> <p>15 · make sure that nobody is trying to do anything</p> <p>16 · crazy.</p> <p>17 · · · · Q: · And still reviews all stock?</p> <p>18 · · · · A: · The same statement, reviewing it for</p> <p>19 · sanity purposes, yes.</p>	
<p><b>135:24-137:1</b></p> <p>24 · · · · · MR. FINBERG: · Q: · The court reporter has</p> <p>25 · marked as Exhibit 37 a document with the Bates</p> <p><b>136</b></p> <p>1 · numbers ORACLE_JEWETT-6671 through -6672 (sic). · It</p> <p>2 · has the title "Oracle HR Global Approval Matrix User</p> <p>3 · Guide."</p> <p>4 · · · · · Do you recognize this document?</p> <p>5 · · · · A: · I do.</p> <p>6 · · · · Q: · What is this?</p> <p>7 · · · · A: · It looks like it's just a user guide to</p> <p>8 · tell people how to navigate and figure out which</p> <p>9 · level of review is needed for certain changes.</p> <p>10 · · · · Q: · What are some of the reasons that a base</p> <p>11 · salary recommendation might be denied?</p> <p>12 · · · · · MS. CONNELL: · Objection. · Calls for</p> <p>13 · speculation. · It's also vague as to "at what level."</p> <p>14 · · · · · MR. FINBERG: · Q: · For employees in IT,</p> <p>15 · product development, and support in California.</p> <p>16 · · · · · MS. CONNELL: · Same objections.</p> <p>17 · · · · · THE WITNESS: · Those could fall under many,</p>	

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<p>18· many different leaders. 19· . . . . As I've stated, it's pretty rare that it 20· would reach the point of the very top level and get 21· rejected. 22· . . . . MR. FINBERG:· Q:· Is it more common to get 23· rejected at a lower level? 24· . . . . A:· I'm not sure. 25· . . . . Q:· Do you know how frequently that occurred?</p> <p><b>137</b> 1· . . . . A:· I have no idea.</p>	
<p><b>139:19-21</b></p> <p>19· . . . . MR. FINBERG:· Q:· Okay.· On the page 20· before, it refers to a discretionary title change 21· approval.</p>	
<p><b>139:22-140:11</b></p> <p>22· . . . . What is a discretionary title? 23· . . . . A:· Discretionary title is a more detailed way 24· that an employee may go about identifying herself or 25· himself.</p> <p><b>140</b> 1· . . . . Q:· And why -- what is its significance? 2· . . . . MS. CONNELL:· Objection.· Calls for 3· speculation; and compound; it's also vague. 4· . . . . THE WITNESS:· It's just more specific. 5· . . . . MR. FINBERG:· Q:· Does it change 6· somebody's hierarchy? 7· . . . . A:· No. 8· . . . . Q:· Their reporting relationship? 9· . . . . A:· No. 10· . . . . Q:· Their salary? 11· . . . . A:· No.</p>	
<p><b>147:15-148:2</b></p> <p>15· . . . . (Deposition Exhibit 39 was marked for 16· . . . . identification.) 17· . . . . MR. FINBERG:· Q:· Okay.· Exhibit 39 is a 18· document entitled "Global Corporate Bonus Process 19· and Fusion Workforce Compensation Manager Training." 20· It has Bates numbers -4668 through -712 (sic). 21· . . . . Do you recognize this document? 22· . . . . A:· I do.</p>	

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<p>23 · · · · Q. · What is it?</p> <p>24 · · · · A. · It is a training document put together by</p> <p>25 · · · · one of my compensation peers to educate managers and</p> <p><b>148</b></p> <p>1 · · HR on how we were going to conduct the next Oracle</p> <p>2 · · corporate bonus process in 2014.</p>	
<p><b>148:21-149:12</b></p> <p>21 · · · · Q. · Okay. · Let me turn your attention to</p> <p>22 · · page -4706.</p> <p>23 · · · · Towards the bottom of the page, it says:</p> <p>24 · · · · "Do not communicate any changes until the</p> <p>25 · · · · 'Last Approval Action' shows 'Approved by</p> <p><b>149</b></p> <p>1 · · · · Larry Ellison."</p> <p>2 · · · · Do you see that?</p> <p>3 · · · · A. · I do.</p> <p>4 · · · · Q. · And does that mean that managers were not</p> <p>5 · · to communicate any bonuses until Larry Ellison had</p> <p>6 · · given his approval?</p> <p>7 · · · · A. · Larry Ellison wasn't personally giving his</p> <p>8 · · approval, but it means that the managers were not</p> <p>9 · · supposed to communicate anything until they see in</p> <p>10 · · that particular section of the tool that it has</p> <p>11 · · received the final stamp.</p> <p>12 · · · · Q. · From Mr. Ellison's office?</p>	
<p><b>149:13-150:12</b></p> <p>13 · · · · A. · With his -- with his name on it, yes.</p> <p>14 · · · · · MR. FINBERG: · Can you give me -6549?</p> <p>15 · · · · · (Deposition Exhibit 40 was marked for</p> <p>16 · · · · · identification.)</p> <p>17 · · · · · MR. FINBERG: · Q. · So the court reporter</p> <p>18 · · has marked as Plaintiff's Exhibit 38 a document</p> <p>19 · · which --</p> <p>20 · · · · · THE REPORTER: · I think it's 40.</p> <p>21 · · · · · MR. FINBERG: · Forty?</p> <p>22 · · · · · MS. CONNELL: · That's what I have, too.</p> <p>23 · · · · · MR. THOREEN: · This was 39 (indicating).</p> <p>24 · · · · · MR. FINBERG: · Q. · Okay. · Okay. · Sorry.</p> <p>25 · · · · · -- Exhibit 40, a document with Bates</p>	

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<p><b>150</b>                      1 · numbers -6549 to -6563.                      2 · . . . . Do you recognize that?                      3 · . . . A. I sure do.                      4 · . . . Q. What is that?                      5 · . . . A. It is just the process document for how we                      6 · went through running the equity program at this                      7 · point in time.                      8 · . . . Q. Okay. Were you involved in preparing this                      9 · document?                      10 · . . . A. I was.                      11 · . . . Q. What was your role?                      12 · . . . A. I believe I authored most of it.</p>	
<p><b>151:08-153:17</b>                       8 · . . . Q. Okay. And turning your attention to page                      9 · 6560, "List of manager emails," it says:                      10 · . . . . "While you await final approval by the                      11 · . . . . comp committee, gather...list of email                      12 · . . . . addresses of the managers whose directs                      13 · . . . . are receiving stock," and then it goes on.                      14 · . . . . What does that mean, "While you await                      15 · final approval by the comp committee"?                      16 · . . . A. For all of our -- for our annual equity                      17 · grant, we have to present to our comp committee of                      18 · the board of directors what grants are being put                      19 · forward, and they give the overall final stamp of                      20 · approval to go forward with processing.                      21 · . . . Q. And who's the comp committee of the board                      22 · of directors?                      23 · . . . A. I don't know the names of all of them.                      24 · . . . Q. Okay. How large is that group?                      25 · . . . A. We have three or four independent board</p>	
<p><b>152</b>                      1 · members; and then Safra is on the comp committee; I                      2 · believe Dorian Daley might be on the comp committee.                      3 · They -- they have some internal people and some                      4 · independent members of the board.                      5 · . . . Q. At some point in time was there a change                      6 · about offering restricted stock units instead of                      7 · stock equity?                      8 · . . . A. Yes.                      9 · . . . Q. When did that occur?</p>	

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<p>10 ···· A. I believe it was -- the summer of 2014 was  11 · the first time our grant -- our annual grant offered  12 · either restricted stock or stock options.  13 ····· We allowed the employees to choose which  14 · of the two they would like.  15 ···· Q. And what's the difference between the two?  16 ···· A. There -- there's a big difference.  17 ····· Stock options is -- are given -- it is the  18 · right to purchase shares during the period.  19 ····· And RSUs themselves are restricted stock  20 · units, and those are -- they automatically vest  21 · 25 percent per year for four years. The employee  22 · has a taxable event every year for four years.  23 ····· And with options, you can hang on to them  24 · for ten years, and your taxable event happens when  25 · you decide to ex- -- exercise them.</p> <p><b>153</b>  1 ···· Q. And the employee decides? All employees  2 · are given a choice between the two equally?  3 ···· A. All employees in the United States are  4 · given the choice between whether to -- whether to  5 · choose options, RSUs, or 50/50.  6 ···· Q. And options come with a given strike  7 · price?  8 ···· A. Yes.  9 ···· Q. And how is that set?  10 ···· A. It is Oracle's closing price on the date  11 · of comp committee final approval.  12 ···· Q. So if there is comp committee final  13 · approval in year 1 and the stock is, you know, in a  14 · hypothetical, 10, and then by year 2, the stock has  15 · gone up to 20, the employee can buy the stock that's  16 · now at 20 at 10 --  17 ···· A. Yes --</p> <p><b>153:17-19</b></p> <p>17 ···· A. Yes --  18 ···· Q. -- in year 2?  19 ···· A. -- if they chose options.</p> <p><b>163:15-164:06</b></p> <p>15 ····· MR. FINBERG: Let me mark that one. I'll  16 · mark that. Let's mark that one. Okay.  17 ····· (Deposition Exhibit 42 was marked for</p>	

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<p>18 · · · · · identification.)</p> <p>19 · · · · · MR. FINBERG: Q. Okay. The court</p> <p>20 · reporter has marked as Exhibit 42 a document with</p> <p>21 · the Bates numbers ORACLE_JEWETT-4662 through -65.</p> <p>22 · · · · · Do you recognize that document, which is</p> <p>23 · entitled "Oracle Compensation Guidelines"?</p> <p>24 · · · · · A. I do.</p> <p>25 · · · · · Q. What is that?</p> <p><b>164</b></p> <p>1 · · · · · A. This is a printout of one of our landing</p> <p>2 · pages on our HR intranet site that just gives a very</p> <p>3 · basic general overview of compensation terms, and I</p> <p>4 · guess it talks about what things are, what kind of</p> <p>5 · bonuses we have, just a very general, 5,000-foot</p> <p>6 · level of compensation at Oracle.</p>	
<p><b>165:21-166:9</b></p> <p>21 · · · · · MR. FINBERG: Q. Okay. And do you then</p> <p>22 · agree that those three documents set forth a</p> <p>23 · complete list of Oracle's compensation guidelines</p> <p>24 · and policies?</p> <p>25 · · · · · MS. CONNELL: Objection. Asked and</p> <p><b>166</b></p> <p>1 · answered, like, three times.</p> <p>2 · · · · · THE WITNESS: I -- we don't have policies.</p> <p>3 · · · · · I'm not familiar with the "Compensation</p> <p>4 · Review &amp; Oversight" document.</p> <p>5 · · · · · "Global Compensation Training," yes,</p> <p>6 · is a general Compensation 101.</p> <p>7 · · · · · And the "Oracle Compensation Guidelines"</p> <p>8 · also is a very general description of various</p> <p>9 · elements of compensation at Oracle.</p>	
<p><b>167:2-168:11</b></p> <p>2 · · · · · "For example, a new employee may be hired</p> <p>3 · · · · · by Oracle as a result of an acquisition in</p> <p>4 · · · · · which case the," quote, "acquisition</p> <p>5 · · · · · hire," end quote, "comes to Oracle</p> <p>6 · · · · · usually in their same job and salary."</p> <p>7 · · · · · That's a correct statement of what happens</p> <p>8 · when Oracle acquires another company; correct?</p> <p>9 · · · · · MS. CONNELL: Objection. Compound, and</p> <p>10 · also vague as to time.</p>	

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<p>11 · · · · · THE WITNESS: I would say probably, in  12 · general, yes.  13 · · · · · MR. FINBERG: Q. Okay. And when you say  14 · "in general," what are the exceptions to the general  15 · rule?  16 · · · · · And let's -- in terms of time, let's take  17 · this up through October of 2017.  18 · · · · · MS. CONNELL: For the record, we have  19 · produced very detailed documents addressing this  20 · issue.  21 · · · · · But you can testify.  22 · · · · · THE WITNESS: Earlier on in the time  23 · period, closer to the 2013/2014 -- I don't even know  24 · the dates really in question -- when we would map  25 · acquisition hires, we would bring them over, same</p> <p><b>168</b>  1 · job, same salary, sort of let them settle into their  2 · role at Oracle before making any big decisions on --  3 · on pay-related matters.  4 · · · · · In more recent years, a change has been  5 · made where we may consider, for example, if a target  6 · company was within a month or two of doing their own  7 · focal and -- which is an annual salary review, we  8 · may allow them to proceed with that and have that be  9 · part of the process. And they would come on with  10 · their new salary because they were so close to focal  11 · at their target company.</p>	
<p><b>172:5-8</b>  5 · · · · Q. Okay. We'll get into this in more detail  6 · later because there are some other documents that  7 · spell this out in more detail.  8 · · · · So the second bullet point is:</p>	
<p><b>172:9-12</b>  9 · · · · · "the employee's global career level."  10 · · · · · To what does that refer?  11 · · · · A. It's the level at which someone is  12 · performing their job.</p>	
<p><b>172:13-20</b>  13 · · · · So an IC0 would be very basic. It  14 · generally is reserved for, like, the administrative  15 · functions.</p>	

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<p>16 ··· IC1 is -- is entry-level professional-type  17 · jobs, like a developer or a programmer.  18 ··· And then it goes up. Most families go up  19 · through an IC5, which means individual contributor  20 · at the level 5.</p>	
<p><b>173:1-8</b></p> <p>1 ··· Q. Okay. And so, basically, global career  2 · level is a measure of responsibility, with lower  3 · levels having less and higher numbers having more?  4 ··· A. Responsibility, complexity, knowledge,  5 · skills, and abilities that the person brings to the  6 · table, their scope.  7 ··· There are a lot of things that go into  8 · play for a global career level.</p>	
<p><b>173:9-22</b></p> <p>9 ··· Q. So what's the -- so salary range is around  10 · a specific job title; is that correct?  11 ··· A. A job code. A salary range is assigned to  12 · a code.  13 ··· Q. Which is both a job title and a career  14 · level?  15 ··· A. A job code is assigned a job title, and it  16 · has a -- it also has -- one job code can only have  17 · one title and one career level, yes.  18 ··· Q. So as you go up the career level ladder  19 · from IC1 up through IC5 or -6, you're moving to a  20 · higher and higher salary range if you're within the  21 · same job title?  22 ··· A. If you're within the same job family, yes.</p>	
<p><b>185:6-186:13</b></p> <p>6 ··· Q. So your group makes a recommendation to  7 · Hurd and Catz about how to divide it up among their  8 · direct reports?  9 ··· A. Not the how to divide it up.  10 ··· We make the recommendation based on  11 · country percentages.  12 ··· Q. How about within the U.S.? How --  13 ··· A. It is a country percentage for the U.S.  14 ··· Q. I'm not understanding you.  15 ··· A. So the U.S. compensation team might look  16 · at market data and our current internal position to  17 · market and say, "We need -- in order to keep up with</p>	

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<p>18· the market, we need a budget of three and a half 19· percent for our U.S. employees." 20· . . . Q· So across the board for all U.S. 21· employees? 22· . . . A· Yes, for non-sales. And sales -- there's 23· a different conversation for sales. 24· . . . Q· So everybody moves lockstep? 25· . . . MS. CONNELL: Objection. Misstates her</p> <p><b>186</b> 1· testimony. 2· . . . THE WITNESS: "Everybody" meaning? 3· . . . MR. FINBERG: Q· All U.S. employees. 4· . . . A· Oh, no. There's still a -- the budget 5· that's approved is the same budget of eligible 6· salaries by the country, but it doesn't go down to 7· the individual level. 8· . . . Q· Okay. So that creates the number? 9· . . . A· Yes. 10· . . . Q· Three percent of salary creates the -- 11· . . . A· Overall. 12· . . . Q· -- total amount that gets allocated. 13· . . . So how does that amount get allocated?</p>	
<p><b>186:14-192:3</b></p> <p>14· . . . A· Based on eligible salaries by that country 15· for each of the LOB heads that I named. 16· . . . Q· And so they each get a portion of the 17· total budget in proportion to the people who are 18· reporting to them, the amount of the salary 19· attributable to the people reporting to them? 20· . . . A· Correct. 21· . . . Q· And then what happens? How -- how do they 22· allocate it within their lines of business? 23· . . . A· They would work with their business 24· partner, their HR business partner, probably an ops 25· person or a finance person that supports their</p> <p><b>187</b> 1· organization, to determine the areas that they 2· would like to focus their dollars. It might be 3· product-based. Maybe they have attrition in a 4· specific area that they need to try to get a handle 5· of (sic). Maybe they have low salaries in a 6· specific area where they have a critical group of</p>	

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<p>7 employees. They evaluate their own individual 8 business and decide where it would be most effective 9 to focus their budget. 10 Q. Okay. And then what happens? What's the 11 next step in the process? 12 A. It goes on down the hierarchy that way. 13 Q. So the heads of the line of businesses, 14 who are the direct reports to the CEOs, allocate it 15 within their lines to people at an EVP level or VP 16 level? 17 A. Not all of the LOB heads have EVPs under 18 them. 19 It would just be their direct -- we refer 20 to it as their "directs." Whether they're a VP or 21 an EVP or a whatever, it's their -- it just goes one 22 level down at a time. 23 Q. Okay. Until eventually it gets to the 24 lowest level manager, M1? 25 A. Yeah, some -- some organizations hold it a</p>	
<p><b>188</b> 1 little bit higher than that. 2 But for focal, the decision is typically 3 pushed down to first-line manager, and the budget 4 typically goes (sic). 5 Q. Who would be M1? 6 Sometimes it doesn't go that far down? 7 A. It doesn't always go that far down. It's 8 up to the -- it's up to the leader -- the hierarchy. 9 Q. Okay. In the lines of business in product 10 development, how far down does it go? 11 MS. CONNELL: Objection. Vague. 12 THE WITNESS: Product development isn't a 13 line of business. 14 Product development is everywhere. 15 MR. FINBERG: Q. No. I understand. 16 The lines of business that are in product 17 development -- 18 A. Yeah. 19 Q. -- how far -- 20 A. It would vary. 21 Q. Okay. All right. And then after those 22 allocations are proposed at the M1 level, the 23 approval process then goes back up?</p>	

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24 · · · · · MS. CONNELL:· Objection as to the word 25 · · "proposed."	
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1 · · · · · THE WITNESS:· And are you speaking about 2 · budgets, or are you speaking about actual increase 3 · amounts?	
4 · · · · · MR. FINBERG:· Q· Well, so the budgets get 5 · pushed down, down, down, down.· And at some point 6 · somebody translates that into a recommendation for 7 · increase amounts; right?	
8 · · · · A· Yes.	
9 · · · · Q· And at what level does that occur?	
10 · · · · · MS. CONNELL:· Objection.· Asked and 11 · answered.	
12 · · · · · THE WITNESS:· That's typically the 13 · immediate manager.	
14 · · · · · Whether they get a budget or not --	
15 · · · · · MR. FINBERG:· Q· Right.	
16 · · · A· -- typically the immediate manager makes a 17 · recommendation for an increase.	
18 · · · Q· So M1 or M2?	
19 · · · A· Yeah.	
20 · · · Q· And then as we saw in those matrices, the 21 · thing cascades back up for approval; right?	
22 · · · A· If a first-line manager or second-line 23 · manager finishes their recommendations, they click 24 · "Submit," and it works its way up the chain.	
25 · · · · · In general, as you get up the chain, it is	
<b>190</b>	
1 · just a matter of, did the recommendations you make 2 · stay within your budget.	
3 · · · · · If you've overspent, they usually send it 4 · back unless you already spoke to them to say, "I 5 · overspent.· Can you hold some at your level?"	
6 · · · · · But for the most part, the -- as you work 7 · your way up the chain, it is simply, "Did you stay 8 · within your means and the budget we gave you?"	
9 · · · Q· Is the allocation sometimes changed by the 10 · people further up the chain, like, "Pay A more than 11 · B," or, "You need to pay A and B and C the same" 12 · or --	
13 · · · · · MS. CONNELL:· Objection.· Calls for 14 · speculation.	

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<p>15 · · · · · THE WITNESS: There could be a situation 16 · where maybe a manager two levels up worked 17 · specifically with somebody, and they -- say, for the 18 · bonus process or something, they worked with 19 · somebody who did an outstanding job. And they have 20 · another thousand dollars in their overall budget. 21 · And they might say, "I'm going to add a thousand to 22 · this person." 23 · · · · · MR. FINBERG: Q. So that happens 24 · sometimes? 25 · · · · · A. On occasion.</p>	
<p><b>191</b> 1 · · · · · Q. And it has to get approved all the way 2 · back up to the CEO level? 3 · · · · · A. Individual recommendations aren't really 4 · reviewed and approved. 5 · · · · · Again, it's about, did they stay within 6 · budget. 7 · · · · · So when the very top looks at it, there's 8 · a summary document in the tool that shows them, 9 · "Their overall budget was X, and their spend was Y." 10 · · · · · If they're in the red, that's no good. 11 · · · · · Q. How high up are they told what the 12 · allocation to specific employees is? 13 · · · · · A. It's all within the tool. So they could 14 · look. 15 · · · · · Q. Anybody up the chain could look? 16 · · · · · A. They could look. 17 · · · · · Q. So they all see the numbers all the way up 18 · the chain? 19 · · · · · A. Only -- 20 · · · · · MS. CONNELL: Objection. Misstates her 21 · testimony. 22 · · · · · THE WITNESS: No. Only if they care to 23 · look. 24 · · · · · Really, the company is so large, these 25 · people don't know who most of the people are anyway,</p>	
<p><b>192</b> 1 · and they don't look at the details. 2 · · · · · They want to know, "Did my people stay 3 · within budget?"</p>	

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<p><b>195:12-196:22</b></p> <p>12 · · · · · MR. FINBERG: Q. Are the people above 13 · the M1 and M2 line managers supposed to look into 14 · the process of how bonuses are allocated to ensure 15 · fairness? 16 · · · · · MS. CONNELL: Objection. Vague and 17 · ambiguous and assumes that they're supposed to be 18 · looking at -- there's a "supposed to" involved. 19 · · · · · THE WITNESS: Yeah, I'm not sure about 20 · that word, "supposed to." 21 · · · · · MR. FINBERG: Q. Is that the guideline 22 · that they're given? 23 · · · · A. We don't have a guideline. 24 · · · · · Depending on what level of management you 25 · are.</p> <p><b>196</b></p> <p>1 · · · · Q. What steps, if any, are taken to ensure 2 · that discretion is exercised in a fair and equitable 3 · manner? 4 · · · · A. HR business partners and/or compensation 5 · consultants may possibly work with managers to have 6 · them take a look at their group, their -- the people 7 · for whom they're responsible overall, and put peer 8 · groups together and compare, you know, like 9 · performance to like job, and are we sure that 10 · they're positioned in the range appropriately. 11 · · · · · That's part of what our compensation 12 · training is, that they look at internal equity 13 · compared to peers and, you know, focus on high 14 · performers. 15 · · · · · If they have a high performer low in the 16 · range, that's -- those are the kinds of things that 17 · we -- that we include in our training, and we ask 18 · them to do. 19 · · · · · And if a manager chooses to work with 20 · their HR business partner, that's the way an HR 21 · business partner would advise, "Think about the 22 · critical roles and the high performers."</p>	
<p><b>196:23-197:9</b></p> <p>23 · · · · Q. And then similar to base salary increases, 24 · once the line managers make a recommendation for</p>	

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<p>25 · allocation of the bonus, it gets approved back up</p> <p><b>197</b></p> <p>1 · the line, back up to the CEOs?</p> <p>2 · · · · A · Again, it's the cursory review of, "Did</p> <p>3 · they stay within budget? Did they spend what I</p> <p>4 · asked them to spend and no more?"</p> <p>5 · · · · And if they spent more, they probably</p> <p>6 · already talked to them about that. So the manager</p> <p>7 · is expecting that someone is going to submit with</p> <p>8 · 2,000 over. And they've reserved some of their own</p> <p>9 · money for that purpose.</p>	
<p><b>197:21-200:19</b></p> <p>21 · · · · Q · Okay. So I guess that's on page -4665.</p> <p>22 · · · · Although this paragraph gives less</p> <p>23 · description about what happens, this is also</p> <p>24 · something where the CEOs decide how much stock is</p> <p>25 · available, or is this even higher? Does this come</p> <p><b>198</b></p> <p>1 · from the board?</p> <p>2 · · · · A · This is the board.</p> <p>3 · · · · Q · Okay. And so the board gives a certain</p> <p>4 · amount of stock that's available to be given out in</p> <p>5 · bonuses each year?</p> <p>6 · · · · A · The board approves the overall pool that</p> <p>7 · we can use for our annual equity grant, yes.</p> <p>8 · · · · Q · Okay. And then what happens after that?</p> <p>9 · · · · A · It is distributed based on eligible</p> <p>10 · head count and --</p> <p>11 · · · · Q · Again through the line of business?</p> <p>12 · · · · A · Again through the line of business.</p> <p>13 · · · · Q · Direct reports to the CEOs?</p> <p>14 · · · · A · Yes.</p> <p>15 · · · · Q · Okay. So the same process that we talked</p> <p>16 · about for bonus?</p> <p>17 · · · · A · Yes.</p> <p>18 · · · · Q · Down-line managers make recommendations,</p> <p>19 · approved back up?</p> <p>20 · · · · A · In the equity program, it is a</p> <p>21 · very -- the -- while everybody is eligible, the</p> <p>22 · recipient- -- the number of recipients is a very</p> <p>23 · small percentage of our organization. So when it</p>	

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<p>24· comes to those budgets, it's generally held at a 25· higher level, and the decisions are made a bit</p> <p><b>199</b></p> <p>1· higher than first-line manager. 2· . . . Q· So what does that mean? 3· . . . MS. CONNELL:· Objection· Vague and 4· ambiguous. 5· . . . THE WITNESS:· So in -- in some 6· organizations, they may choose to stop it at -- they 7· may choose to push down five levels below Mark Hurd. 8· And a different organization may stop it at four 9· levels below Mark Hurd. 10· . . . They hold it at a higher -- because it's 11· higher-level management and higher-level outstanding 12· ICs that get equity, they don't just give a budget 13· to all people with direct reports. 14· . . . MR. FINBERG:· Q· So not all ICs are going 15· to get stock? 16· . . . A· No. 17· . . . Q· What portion of ICs get stock? 18· . . . A· I don't know by career level. 19· . . . Q· What's your best estimate? 20· . . . A· I -- I don't know. 21· . . . By career level, we don't do that 22· analysis. 23· . . . I know overall as a company, it's less 24· than 20 percent of our company employees get equity. 25· . . . Q· And that includes both IC level and</p>	
<p><b>200</b></p> <p>1· M level? 2· . . . A· Yes. 3· . . . Q· And is a majority of that to M level? 4· . . . A· If I were to make a guess, I would say 5· yes. 6· . . . Q· Okay· And for the IC levels, is it 7· primarily people IC4, 5, and 6, if applicable? 8· . . . A· Yes, higher level ICs. 9· . . . Q· And so it's somebody at a VP level, then, 10· who makes the individual allocations? 11· . . . MS. CONNELL:· Objection· Misstates her 12· testimony. 13· . . . THE WITNESS:· It -- it really depends. 14· . . . I mean, sometimes we have -- I mean, for</p>	

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15 · example, I'm only three levels removed from Safra, 16 · but I'm a senior director. 17 · . . . . There are VPs who are six levels removed 18 · from Mark. 19 · . . . . So it all depends on the organization.	
<b>202:13-204:20</b>	
13 · . . . Q. · "Employee's salary should take into 14 · account," and then it says, 15 · Comparisons with others in group 16 · (peers)..." 17 · . . . What does that mean? 18 · . . . A. · People who do similar work with the 19 · similar background and we -- we refer to the peer 20 · group as people who are performing similar duties at 21 · similar level on the -- on the same team. 22 · . . . Q. · Would that be people in the same job code? 23 · . . . MS. CONNELL: · Objection. · Misstates her 24 · testimony. 25 · . . . THE WITNESS: · No, not necessarily.	
<b>203</b>	
1 · . . . MR. FINBERG: · Q. · Why not necessarily? 2 · . . . A. · Because our job codes -- the descriptions 3 · for our job codes are very broad, and they're 4 · intended to speak in general terms about what it 5 · means to do that kind of job and what the general 6 · duties are for that job. 7 · . . . But as you get into specific teams, 8 · specific organizations, the -- the specific duties 9 · and the things that they're working on vary 10 · drastically across the company. 11 · . . . Q. · But at least that would be a starting 12 · point: · job code? 13 · . . . MS. CONNELL: · Objection. · Vague and 14 · ambiguous. 15 · . . . THE WITNESS: · The job code would 16 · recommend -- would -- would suggest that, in 17 · general, this is a very high level of what they do 18 · and at the specific level of work. 19 · . . . MR. FINBERG: · Q. · So at that level, there 20 · would be peers? 21 · . . . MS. CONNELL: · Objection. · Misstates her 22 · testimony.	

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<p>23 · · · · THE WITNESS: · Not necessarily. 24 · · It -- a subset -- I mean, we might have 25 · · 2,000 employees with the same job code in the state</p> <p><b>204</b></p> <p>1 · · of California. · Those 2,000 people aren't considered 2 · · peers because they would work on different -- 3 · · different things, different kinds of products. 4 · · Their scope might be a little bit different than 5 · · what they're working on. 6 · · · · It would suggest that they're doing things 7 · · at a similar level. · But the specific duties they're 8 · · performing could be different. 9 · · · · MR. FINBERG: · Q. · And then the next bullet 10 · · is: 11 · · "- Relevant knowledge, skills, abilities 12 · · and experience." 13 · · · · How do you measure those things? 14 · · · · A. · That would be, like, what kind of 15 · · education they have, what's their -- do they have a 16 · · degree; if yes, what -- what field of study; have 17 · · they had jobs related to this kind of work in the 18 · · past, and for how many years; any other type of 19 · · training or certifications; anything that would -- 20 · · this is basically a look at their resumé.</p>	
<p><b>209:16-210:12</b></p> <p>16 · · · · · THE REPORTER: · Yes. 17 · · · · · (Deposition Exhibit 43 was marked for 18 · · · · · identification.) 19 · · · · · MR. FINBERG: · Q. · The court reporter has 20 · · marked as Plaintiff's Exhibit 43 a spreadsheet with 21 · · the initial number -1110, and then it's got a bunch 22 · · of other pages. 23 · · · · · Do you recognize this document? 24 · · · · A. · I do. 25 · · · · Q. · What is this?</p> <p><b>210</b></p> <p>1 · · · · A. · It is our formal system job descriptions 2 · · for the job codes in product development, IT, and 3 · · support. 4 · · · · Q. · And this is one of the documents that you 5 · · reviewed when preparing for your deposition? 6 · · · · A. · This is one of the documents I provided.</p>	

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<p>7 · · · · Q. Okay. Was this specific document an  8 · extract from a larger database?  9 · · · · A. Yes.  10 · · · · Q. Okay. And are you the one who pulled it  11 · from the system, or did somebody else do that?  12 · · · · A. I did.</p>	
<p><b>221:15-222:4</b></p> <p>15 · · · · Q. So if somebody is applying for a job and  16 · looking on the Oracle website for jobs that are  17 · available, what will they see? Will they see --  18 · one, two -- columns 6, 7, and 8?  19 · · · · A. At the very bottom of the description,  20 · they will.  21 · · · · At the top of the description, the  22 · managers have open space where they type in their  23 · own specific duties.  24 · · · · Because it varies so drastically from one  25 · area of the business to the next, they could get</p> <p><b>222</b></p> <p>1 · much more specific in what the duties will be of  2 · that particular opening and what knowledge, skills,  3 · abilities, background they're looking for in their  4 · perfect candidate.</p>	
<p><b>223:22-224:24</b></p> <p>22 · · · · Does Exhibit 43 accurately set forth  23 · posting detail descriptions for people in these job  24 · codes?  25 · · · · MS. CONNELL: Just for the record, it</p> <p><b>224</b></p> <p>1 · looks like the way this was printed, it's  2 · incomplete. Like, if you look on some of the back  3 · pages, the boxes are cut off.  4 · · · · THE WITNESS: Page 18, for example --  5 · · · · MS. CONNELL: Yeah.  6 · · · · THE WITNESS: -- they get cut.  7 · · · · MR. FINBERG: Q. Okay. The -- the  8 · printout isn't really what matters.  9 · · · · · · · · What matters --  10 · · · · A. Yes.  11 · · · · Q. -- is what's in the system.  12 · · · · A. What's in there.</p>	

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13 · · · MS. CONNELL:· Yeah. 14 · · · THE WITNESS:· Understood. 15 · · · It represents as a very, very high-level, 16 · general overview of what the duties of that job code 17 · may be. 18 · · · MR. FINBERG:· Q:· But the people within 19 · each of these job codes share certain basic duties 20 · and responsibilities; correct? 21 · · · MS. CONNELL:· Objection.· Calls for 22 · speculation. 23 · · · THE WITNESS:· At an incredibly high level, 24 · I think that's the case.	
<b>225:11-19</b>  11 · · · MR. FINBERG:· Q:· But at a general level, 12 · the people in each of these job codes share certain 13 · basic skills, knowledge, and abilities; correct? 14 · · · MS. CONNELL:· Objection.· Misstates her 15 · testimony; asked -- asked and answered; and calls 16 · for speculation. 17 · · · THE WITNESS:· At a very general, high 18 · level, we could group the people into these buckets, 19 · but, like, 5,000 foot (sic).	
<b>226:12-227:22</b>  12 · · · Q:· When you do your global job table, you 13 · don't break the jobs down further by product; 14 · correct? 15 · · · A:· No. 16 · · · Q:· And when you do the survey matching the 17 · jobs at other companies to Oracle jobs, other 18 · companies have different products than Oracle; 19 · correct? 20 · · · A:· Correct. 21 · · · Q:· So it is (sic) possible to match job 22 · duties and responsibilities from another company to 23 · Oracle jobs; correct? 24 · · · MS. CONNELL:· Objection.· Calls for 25 · speculation, incomplete hypothetical, and misstates  <b>227</b> 1 · her testimony. 2 · · · · THE WITNESS:· We use very, very general -- 3 · general terms, general definitions as we compare and	

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<p>4 · get our market data, simply because if -- if we                      5 · said, "You all have to be working on the exact same                      6 · product," then we would be a company on our own.                      7 · There wouldn't be a market to which we could                      8 · compare.                      9 · . . . . MR. FINBERG: Q. And you believe that the                      10 · market data that you get is useful to you?                      11 · . . . . MS. CONNELL: Objection. Vague.                      12 · . . . . THE WITNESS: Yes, market data is useful.                      13 · . . . . (Deposition Exhibit 44 was marked for                      14 · . . . . identification.)                      15 · . . . . MR. FINBERG: Q. The court reporter has                      16 · marked as Exhibit 44 a spreadsheet that has the                      17 · first page of -889.                      18 · . . . . Do you recognize that?                      19 · . . . A. I do.                      20 · . . . Q. What is that?                      21 · . . . A. It is our definitions for our career                      22 · levels.</p>	
<p><b>227:15-229:9</b></p> <p>15 · . . . . MR. FINBERG: Q. The court reporter has                      16 · marked as Exhibit 44 a spreadsheet that has the                      17 · first page of -889.                      18 · . . . . Do you recognize that?                      19 · . . . A. I do.                      20 · . . . Q. What is that?                      21 · . . . A. It is our definitions for our career                      22 · levels.                      23 · . . . Q. And who created this document?                      24 · . . . A. This predates me.                      25 · . . . . I don't know.</p> <p><b>228</b></p> <p>1 · . . . Q. Okay. What is this document used for?                      2 · . . . . MS. CONNELL: Objection. Calls for                      3 · speculation.                      4 · . . . . THE WITNESS: It lays out our definitions                      5 · and helps HR people, managers to get a better                      6 · understanding of what we mean when we say "IC3" or                      7 · what we mean when we say an "M4."                      8 · . . . . MR. FINBERG: Q. And these are the                      9 · same -- the IC columns and the M columns here are                      10 · the same as column 5 of Exhibit 43?</p>	

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<p>11 · · · · A. Well, what's in column 5 could be 12 · referenced across here to find out what we mean by 13 · that level. 14 · · · · Q. Right. So column 5 gives you the number, 15 · and then it -- column 5 of Exhibit 43 gives you the 16 · number, and then Exhibit (sic) 89 -- -889 tells you 17 · what that number means? 18 · · · · A. Yes. 19 · · · · Q. And tells you the attributes of somebody 20 · with that number? 21 · · · · A. Yes. 22 · · · · Q. And people with those numbers all share 23 · certain attributes? 24 · · · · MS. CONNELL: Objection. Misstates her 25 · testimony.</p> <p><b>229</b></p> <p>1 · · · · THE WITNESS: The individuals may not 2 · share certain attributes. 3 · · · · The scope of their role or the impact of 4 · their role may share certain attributes. 5 · · · · But the individuals -- their background 6 · could be vastly different. 7 · · · · MR. FINBERG: Q. But their levels of 8 · responsibility and impact are similar? 9 · · · · A. They should be, yes.</p>	
<p><b>231:10-232:7</b></p> <p>10 · · · · MR. FINBERG: Q. All right. Let's look 11 · in Exhibit 24 at page -588. 12 · · · · So this is "Managing the Annual Salary 13 · Increase Process &amp; Budget." 14 · · · · The first bullet point (as read): 15 · · · · "Budgets are set at the very top executive 16 · · · · level and each line of business has his 17 · · · · or her own method of allocating." 18 · · · · I think we talked about this before. 19 · · · · Am I right, that "very top executive 20 · level" means the CEOs? 21 · · · · A. That the budgets are set there? Yes, it's 22 · CEOs. 23 · · · · Q. Okay. And does Larry Ellison also play a 24 · role in that, or is it just -- 25 · · · · A. Yes.</p>	

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<p><b>232</b> 1 · · · · Q. · Okay. · So it's the two CEOs -- 2 · · · · A. · The CEOs -- 3 · · · · Q. · -- and Larry Ellison? 4 · · · · A. · Yes. 5 · · · · Q. · And then the "each LOB head," those are 6 · the direct reports to the CEOs that we talked about? 7 · · · · A. · Correct.</p>	
<p><b>232:20-233:10</b>  20 · · · · Q. · And page -589, it says: 21 · · · · · "The budgets are pushed from the top down, 22 · · · · · and some LOBs may stop at a specific level 23 · · · · · of management when allocating." 24 · · · · · So what does that mean? 25 · · · · · I think you talked in terms of stock about  <b>233</b> 1 · stopping, but this is in the context of salary 2 · increases, I think. 3 · · · · A. · Uh-huh. 4 · · · · Q. · So what does this mean? 5 · · · · A. · It's the same thing that I spoke to. 6 · · · · · And I believe I spoke to -- spoke about 7 · it with focal and bonus as well. 8 · · · · · Some lines of business may not go all the 9 · way down to the first-line manager with their 10 · budget.</p>	
<p><b>233:11-12</b>  11 · · · · Q. · Uh-huh. 12 · · · · A. · They may stop at a certain level.</p>	
<p><b>234:12-235:16</b>  12 · · · · Q. · It's the director who's going to make the 13 · allocations to individual employees? 14 · · · · A. · Not necessarily. 15 · As it says in here (as read): 16 · · · · · "Even if a budget is not published (sic) 17 · · · · · all the down to you...you may still 18 · · · · · allocate money to your employees." 19 · · · · Q. · Where are you looking? 20 · · · · A. · Right underneath, that next sentence. 21 · · · · Q. · The next sentence: 22 · · · · · "Your budget summary...in CWB will just be</p>	

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<p>23 · · · · · "negative..."</p> <p>24 · · · · · "What's that mean?"</p> <p>25 · · · · · A. That means that it's going to show</p> <p><b>235</b></p> <p>1 · that your budget was zero, but if you made</p> <p>2 · recommendations, you've overspent your budget.</p> <p>3 · · · · Q. Uh-huh. So you don't have any budget,</p> <p>4 · you can still allocate, and then the people above</p> <p>5 · you decide whether to give it to you?</p> <p>6 · · · · A. The -- yes, they will decide.</p> <p>7 · · · · · You make your recommendations that way.</p> <p>8 · · · · Q. And then the next sentence (as read):</p> <p>9 · · · · · "This isn't to say that your</p> <p>10 · · · · · recommendations won't be changed by</p> <p>11 · · · · · somebody further up...but it's a way to</p> <p>12 · · · · · inform your manager of how you'd like to</p> <p>13 · · · · · do it (sic)..."</p> <p>14 · · · · · So they have the authority, and they can</p> <p>15 · decide to do it the way they want, but you can give</p> <p>16 · input? Is that what this is saying?</p>	
<p><b>235:17</b></p> <p>17 · · · · A. That is what it's saying, yes.</p>	
<p><b>239:4-21</b></p> <p>4 · · · · Q. And, again, it says:</p> <p>5 · · · · · "Do not communicate anything until final</p> <p>6 · LJE approval is obtained."</p> <p>7 · · · · Again, that means don't communicate</p> <p>8 · anything until Larry J. Ellison has given approval;</p> <p>9 · correct?</p> <p>10 · · · · MS. CONNELL: Objection. Misstates her</p> <p>11 · testimony; asked and answered.</p> <p>12 · · · · THE WITNESS: It means that his name --</p> <p>13 · again, I or someone on my team are the one who click</p> <p>14 · that we're done.</p> <p>15 · · · · It shows up as -- it's not LJ- -- at the</p> <p>16 · time of this document, it was "LJE approval."</p> <p>17 · · · · Now, it says "BOD approval," or something</p> <p>18 · like that, because it just means top level is done.</p> <p>19 · · · · But all that represents is that our top</p> <p>20 · leaders have reviewed spend, according to the budget</p> <p>21 · given, and that everything looks okay.</p>	

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<p><b>241:24-243:3</b></p> <p>24 · · · · · How do you -- how do you decide that the 25 · job duties are similar enough that they're</p> <p><b>242</b></p> <p>1 · comparable? 2 · · · · · MS. CONNELL:· Objection.· Assumes facts. 3 · · · · · THE WITNESS:· It's the very general 4 · overall descriptions.· And we read the survey's very 5 · general overall descriptions. 6 · · · · · MR. FINBERG:· Q:· Are those descriptions 7 · in the surveys similar to posting descriptions that 8 · come -- those competitive companies have when they 9 · post their jobs? 10 · · · · A:· No.· They're -- they're way more high 11 · level than that. 12 · · · · Q:· When you say "more high level," what do 13 · you mean? 14 · · · · A:· More broad. 15 · · · · Q:· More general? 16 · · · · A:· They're more general. 17 · · · · Q:· And you use those general descriptions to 18 · map -- to determine the proper salary range and 19 · midpoint for a particular job; correct? 20 · · · · A:· Correct. 21 · · · · Q:· What is a comp- -- compa-ratio? 22 · · · · A:· A compa-ratio is an employee's current 23 · salary position compared to the midpoint.· So it's 24 · base salary divided by midpoint of the range. 25 · · · · Q:· Okay.· And it's referred to on page -396.</p> <p><b>243</b></p> <p>1 · · · · · So it says whether or not you're above or 2 · below the midpoint for the range? 3 · · · · A:· Yes.</p>	
<p><b>245:3-248:9</b></p> <p>3 · · · · · THE WITNESS:· And I should clarify that 4 · that job code and that particular employee, the 5 · range that represents that person would be the HQ 6 · range if it's an HQ location employee. 7 · · · · · MR. FINBERG:· Q:· Okay.· Thank you. 8 · · · · · I think you said that -889 doesn't have the 9 · numbers.</p>	

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<p>10 ····· If we look at -659 of Exhibit 24, does 11 · that give the manager numbers that you were looking 12 · for? 13 ····· A· Yes. 14 ····· Q· Okay· And so there we see that director 15 · is M4; right? 16 ····· A· Correct. 17 ····· Q· Okay· Let's move to another document. 18 ····· (Deposition Exhibit 45 was marked for 19 ····· identification.) 20 ····· MR. FINBERG:· (Addressing the reporter) Is 21 · this 45? 22 ····· THE REPORTER:· Yes. 23 ····· MR. FINBERG:· Q· Okay· The court 24 · reporter has marked as Exhibit 45 a document with 25 · the Bates numbers -9- -- ORACLE_JEWETT-913 to -- I'm</p>	
<p><b>246</b> 1 · sorry· It actually looks like it starts on -912, 2 · and it's -912 to -913. 3 ····· Do you recognize this document? 4 ····· A· I don't have a -912. 5 ····· MS. CONNELL:· I don't either. 6 ····· MR. FINBERG:· Q· Well, -912 is not 7 · particularly important· So why don't we just say 8 · that it's -913? 9 ····· What is -- what is -913? 10 ····· A· -913 is a printout from our United States 11 · compensation page that gives kind of a general 12 · comp 101 overview of what salary ranges are and how 13 · to use them. 14 ····· Q· And how long has this been used? 15 ····· A· No idea. 16 ····· Q· Well, it says, "Copyright...2017." 17 ····· Does that indicate that's when it was 18 · created? 19 ····· A· I don't know. 20 ····· Q· That's at the bottom right there. 21 ····· A· Yeah· I -- it could be when it was 22 · printed· I -- I'm not sure. 23 ····· Q· Okay· And where it has "Minimum, Midpoint 24 · and Maximum," it says: 25 ····· "Each range has a...midpoint," and then,</p>	

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<p><b>247</b></p> <p>1 · · · · · paren, "(market)..."</p> <p>2 · · · · · What does it mean, that "(market)" is in</p> <p>3 · · · · · parens there?</p> <p>4 · · · · A · Because the Oracle midpoint is supposed to</p> <p>5 · · · · be reflective of the external market for that job</p> <p>6 · · · · code.</p> <p>7 · · · · Q · And how about the min and the max? · Aren't</p> <p>8 · · · · they also tied to market?</p> <p>9 · · · · A · Not -- not necessarily, no.</p> <p>10 · · · · Q · What are they tied to?</p> <p>11 · · · · A · They're tied to our decisions -- the</p> <p>12 · · · · compensation team's decisions on how wide we want to</p> <p>13 · · · · make our ranges.</p> <p>14 · · · · Q · And what goes into that?</p> <p>15 · · · · A · Generally it has to do with -- there --</p> <p>16 · · · · there are best practices.</p> <p>17 · · · · · And for lower -- lower-level salary grades</p> <p>18 · · · · might be more narrow because there's less variance</p> <p>19 · · · · in the -- the talent, the knowledge, skills, and</p> <p>20 · · · · ability that people bring to the table at the more</p> <p>21 · · · · entry-level jobs.</p> <p>22 · · · · · But the higher up you get in a job table,</p> <p>23 · · · · the more variance in what people bring to the</p> <p>24 · · · · table · And so the -- the rates of salaries for</p> <p>25 · · · · higher-level jobs could vary more diff- -- more</p> <p><b>248</b></p> <p>1 · · · · drastically · So we might, say, have a 60 percent</p> <p>2 · · · · range width at the bottom, but an 80 percent range</p> <p>3 · · · · width at the top.</p> <p>4 · · · · Q · So the -- the higher up you go, the</p> <p>5 · · · · narrower the range?</p> <p>6 · · · · A · No · The higher up you go, the more broad</p> <p>7 · · · · the range.</p> <p>8 · · · · Q · The broader the range?</p> <p>9 · · · · A · Yes.</p> <p><b>248:10-17</b></p> <p>10 · · · · Q · And is that generally the case?</p> <p>11 · · · · A · That's compensation best practices.</p> <p>12 · · · · I -- I don't -- I mean, I've worked for</p> <p>13 · · · · Oracle for -- or an Oracle company for 17 years.</p> <p>14 · · · · It's been what -- what I've practiced in my</p>	

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15· ·extensive comp career. 16· ··· It's a pretty -- it's pretty common 17· ·practice.	
<b>249:19-251:6</b>	
19· ··· Q· Okay· And there's this breakout that says 20· ·(as read): 21· ···· "How is my position in the salary range 22· ···· ·determined? 23· ···· "Where you are paid in the salary range 24· ···· ·will be based on a number of factors 25· ···· ·including your background...," that is,	
<b>250</b>	
1· ···· "knowledge, skills, education, and your 2· ···· ·performance." 3· ··· A· Uh-huh.	
4· ··· Q· What does that mean?	
5· ···· MS. CONNELL:· Objection· The document 6· ·speaks for itself.	
7· ···· THE WITNESS:· Exactly what it says.	
8· ···· MR. FINBERG:· Q· Well, I find it a little 9· ·confusing, actually.	
10· ···· ·So if -- I mean, is performance part of 11· ·background in that, or are knowledge, skills, and 12· ·education part of background and performance is 13· ·separate?	
14· ··· A· Performance would be separate.	
15· ···· ·Your background is your knowledge, skills, 16· ·education, what you bring to the table.	
17· ··· Q· Okay· And so there are four things that 18· ·are listed as affecting where you fall within the 19· ·range?	
20· ···· MS. CONNELL:· Objection· Misstates the 21· ·document in the sense that this is a comprehensive 22· ·list.	
23· ···· THE WITNESS:· Yeah, I would say there -- 24· ·it's a sample -- a sample set of what could impact.	
25· ···· MR. FINBERG:· Q· What else impacts them?	
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1· ···· MS. CONNELL:· Objection· Calls for 2· ·speculation.	
3· ···· THE WITNESS:· Location could be another 4· ·one.	

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5 · · · · · The particular labor market and the supply 6 · · · · · and demand of people with your skills.	
<b>255:4-256:19</b>  4 · · · · · MR. FINBERG: Q. Well, let's say you're 5 · · · · · a manager, and you have ten reports. And you do 6 · · · · · formal performance reviews for all ten. And five of 7 · · · · · them get 4s, and five of them get 2s. 8 · · · · · With respect to this performance factor in 9 · · · · · determining where you should be in the salary range, 10 · · · · · should the five who get 4s be doing better than the 11 · · · · · five who are getting 2s? 12 · · · · · MS. CONNELL: Objection. Incomplete 13 · · · · · hypothetical; assumes facts; and calls for 14 · · · · · speculation. 15 · · · · · I'll also assert that there was another 16 · · · · · witness who testified on the performance assessment 17 · · · · · process at Oracle, and she has not been designated 18 · · · · · as the PMK on that topic. 19 · · · · · THE WITNESS: How -- you know, as I said, 20 · · · · · how it -- how it works and is applied in each line 21 · · · · · of business and hierarchy would vary. 22 · · · · · In very general compensation theory, best 23 · · · · · practices, as we -- as we recommend and as we've 24 · · · · · given examples in our training, in general, people 25 · · · · · who have high performance ratings, it's more likely	
<b>256</b> 1 · · · · · to find them paid higher in a range than someone who 2 · · · · · has a 2 performance rating. 3 · · · · · It's not necessarily fact, though, that 4 · · · · · that's going to be the case. There are other 5 · · · · · factors at play. 6 · · · · · MR. FINBERG: Q. What are the other 7 · · · · · factors? 8 · · · · · A. The product that they're working on, the 9 · · · · · demand for talent with the -- doing what they do 10 · · · · · within that labor market -- 11 · · · · · Q. How -- 12 · · · · · A. -- their specific location. 13 · · · · · Q. How does the product affect this? 14 · · · · · A. Because some products are more complex 15 · · · · · than others, and the work involved is more complex. 16 · · · · · Or the product might be a real area of focus for our	

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17 · company in that particular fiscal year, and there's 18 · just a higher -- higher attention to the output 19 · there.	
<b>257:11-258:9</b>  11 · . . . . (Deposition Exhibit 46 was marked for 12 · . . . . identification.) 13 · . . . . MR. FINBERG: Q. Okay. Exhibit 46 has 14 · the Bates numbers -914 through -916. 15 · . . . . Do you recognize this? 16 · . . . A. Yes, I do. 17 · . . . Q. What is this? 18 · . . . A. And it's very similar to one of the other 19 · exhibits. It's just an updated version. 20 · . . . Q. Of which? 21 · . . . A. The global compensation guidelines, 22 · Exhibit 42. 23 · . . . Q. Okay. And when did it start being used? 24 · . . . A. I don't know. 25 · . . . Q. It also, on page -916, has a copyright of  <b>258</b> 1 · 2017? 2 · . . . A. It looks like it. 3 · . . . Q. Does it look like it came into effect in 4 · 2017? 5 · . . . A. It -- well, it's not -- the content really 6 · isn't any different. It just looks different. It's 7 · just presented differently. But the language looks 8 · like it's -- the language didn't really change. 9 · This must --	
<b>275:16-18</b>  16 · . . . Q. Can I figure out whether or not somebody 17 · is a team lead from their job code? 18 · . . . A. Absolutely not.	
<b>275:19-276:15</b>  19 · . . . Q. Okay. Is there something in the human 20 · resources database that would tell me whether or not 21 · somebody is a team lead? 22 · . . . A. Somebody may have "team lead" in a 23 · discretionary title. 24 · . . . Employees control -- they -- their	

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<p>25 · discretionary title, not -- not at the employee</p> <p><b>276</b></p> <p>1 · level.</p> <p>2 · . . . . A manager has to submit for a</p> <p>3 · discretionary title change.</p> <p>4 · . . . . But we don't have rigor around</p> <p>5 · discretionary titles. It truly is what the manager</p> <p>6 · would like to designate for business cards or for an</p> <p>7 · online org chart.</p> <p>8 · . . . . But formally within our system, we do not</p> <p>9 · have anything called a "team lead."</p> <p>10 · . . . Q. Is the discretionary title a field in the</p> <p>11 · human resources database?</p> <p>12 · . . . A. It is.</p> <p>13 · . . . Q. But it may not systematically capture who</p> <p>14 · is and is not a team lead?</p> <p>15 · . . . A. It may not.</p>	
<p><b>276:16-23</b></p> <p>16 · . . . Q. And is that true with these other</p> <p>17 · parenthetical terms in here, like "Mentor,"</p> <p>18 · "Internal Expert"?</p> <p>19 · . . . A. Absolutely. Those are just more like -- I</p> <p>20 · guess you would say they're lay -- layperson terms</p> <p>21 · for how we would -- another -- another word we might</p> <p>22 · use to describe somebody at that level, but it isn't</p> <p>23 · formal within our system.</p>	
<p><b>277:6-280:14</b></p> <p>6 · . . . Q. So we'd been looking at Exhibit 46 at the</p> <p>7 · end of the day yesterday. Let's go back to that.</p> <p>8 · . . . . And there is that sentence that says</p> <p>9 · "Salary Increases."</p> <p>10 · . . . . Under that heading, the first paragraph,</p> <p>11 · the last sentence says:</p> <p>12 · . . . . "Salary increases are offered at the</p> <p>13 · . . . . discretion of your manager."</p> <p>14 · . . . . Which manager is that referring to?</p> <p>15 · . . . A. Typically, it would be a first-line</p> <p>16 · manager that would request an increase for a</p> <p>17 · person -- a salary increase.</p> <p>18 · . . . Q. And what factors go into the exercise of</p>	

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19· that discretion by the manager? 20· . . . . MS. CONNELL:· Objection.· Calls for 21· speculation. 22· . . . . THE WITNESS:· I can't really speak for 23· every manager on that.· It depends. 24· . . . . MR. FINBERG:· Q.· Does the company give 25· guidance?	
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1· . . . A.· Our training speaks to looking at internal 2· equity with their peers within their -- on the team. 3· . . . . Our training speaks to, you know, our -- 4· their position in the range; a -- possibly there's 5· been an increase in responsibilities; a dive and 6· save, as we spoke about yesterday. 7· . . . Q.· A dive and save? 8· . . . A.· Yes, meaning -- 9· . . . Q.· Can you explain what -- 10· . . . A.· I'm sorry. 11· . . . Q.· -- that is? 12· . . . A.· I -- I forgot.· I didn't -- I probably 13· didn't use that term yesterday. 14· . . . . That means they've come in with a 15· competitive offer, and we are -- they, essentially, 16· have a foot out the door, and we're diving to say, 17· "No.· Take ours." 18· . . . Q.· Okay. 19· . . . A.· So a manager may find him- or herself in 20· that situation. 21· . . . . Off the top of my head, those are 22· typically the main reasons. 23· . . . Q.· Can you think of others? 24· . . . . MS. CONNELL:· Counsel, as a point of 25· clarification, are you talking about off-cycle	
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1· salary increases or any salary increases? 2· . . . . MR. FINBERG:· Any salary increases. 3· . . . . MS. CONNELL:· Including in-focal? 4· . . . . MR. FINBERG:· Including in-focal. 5· . . . . THE WITNESS:· Okay. 6· . . . . MR. FINBERG:· Q.· I mean, that's how I 7· understood the first paragraph here. 8· . . . A.· Yes. 9· . . . Q.· It's -- the salary review process is the	

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<p>10· focal process; correct?  11· . . . A· It does say "the salary review process" in  12· that paragraph, yes.  13· . . . Q· Okay.  14· . . . A· So during a focal period, our training  15· also speaks to high performers who are low in the  16· range; a manager should be especially attuned to  17· those people.  18· . . . Q· Anything else?  19· . . . A· Possibly a job code change if -- if  20· they're giving them a promotion.  21· . . . . If they are -- possibly if they are --  22· even -- even if it isn't considered necessarily a  23· promotion, meaning their career level isn't  24· changing, it's possible there would be perhaps a  25· change in their pay mix.</p> <p><b>280</b></p> <p>1· . . . . Maybe they're -- maybe it's somebody  2· who's moving from a product development, support,  3· and IT job into a consulting job or a sales job,  4· and they -- their change in the pay mix, so they  5· have a -- more of a variable factor. So there could  6· be a change in how their package is made up.  7· . . . . Or, likewise, a sales employee moving into  8· product development, where the commission is going  9· away, we might give a salary increase to make up for  10· the higher variable going away. That could be a  11· reason.  12· . . . Q· Anything else?  13· . . . A· Off -- off the top of my head, I can't  14· think of anything else.</p>	
<p><b>280:15-19</b></p> <p>15· . . . MS. CONNELL:· For the record, Counsel, you  16· have marked the guidance as Exhibit 24. So the  17· document does speak to -- for itself in terms of the  18· guidance that's given to managers on salary  19· increases.</p>	
<p><b>280:20-283:17</b></p> <p>20· . . . . MR. FINBERG:· Q· You mentioned "internal  21· equity."</p>	

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22 · · · · · What does that term mean to Oracle? 23 · · · · · MS. CONNELL: Objection. Vague and 24 · ambiguous. It's also beyond the scope of the PMK. 25 · · · · · But she can answer in her personal	
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1 · capacity. 2 · · · · · MR. FINBERG: She said -- no, no, no. She 3 · said it's relevant to the compensation setting, 4 · which is one of the topics she's designated for. 5 · · · · · THE WITNESS: I think I spoke to this a 6 · little bit yesterday. 7 · · · · · It's -- it's looking to the people on that 8 · particular manager's team who perform similar work 9 · with -- in similar location, similar -- it's -- it's 10 · their peers. It's their -- who do we align with, 11 · and who do we say is sort of the group of people who 12 · are performing similar work at -- at the same level. 13 · · · · · MR. FINBERG: Q. And how were we defining 14 · "similar work"? 15 · · · · · A. It would be the product that they're 16 · working on, the complexity of what they're working 17 · on -- 18 · · · · · MS. CONNELL: I assert an objection that 19 · it calls for speculation as to what every manager 20 · would deem "similar work." 21 · · · · · THE WITNESS: -- their duties. 22 · · · · · Every -- many -- unless -- unless somebody 23 · has truly a unique job at Oracle, there tends to be 24 · at least a few peers that we consider, yes, they 25 · have -- they have the same job.	
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1 · · · · · MR. FINBERG: Q. And so you mentioned 2 · their duties. 3 · · · · · So the fact that you are writing code, 4 · testing, debugging -- you would compare people who 5 · performed those duties to other people who have 6 · those duties; is that right? 7 · · · · · A. It's -- 8 · · · · · MS. CONNELL: Objection. Incomplete 9 · hypothetical and calls for speculation. 10 · · · · · THE WITNESS: It's usually way more 11 · specific than that, because it really depends on the 12 · product on which they're working. It depends on	

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<p>13 · their location. · It depends on their performance  14 · level.  15 · · · · · MR. FINBERG: · Q · Why does it depend on  16 · the product on which they're working?  17 · · · · · A · Because some products are much more  18 · complex. · Some people are working on a whole suite,  19 · and some people are working on just one little  20 · portion of the product.  21 · · · · · Q · Isn't that covered by the IC career level  22 · change, that people on the lower end of that  23 · hierarchy are doing smaller parts, and people on the  24 · higher part of that hierarchy are looking at bigger  25 · pieces?</p> <p><b>283</b>  1 · · · · · A · Possibly. · It -- it could possibly be  2 · covered under some of that.  3 · · · · · But I -- but we also have -- we -- we  4 · would -- we could have entry-level-background people  5 · coming in to be part of the development of a suite  6 · of products as well.  7 · · · · · So depending on what their background  8 · might be, they may have -- they may be coming in to  9 · be a team working on a -- on a bigger suite of  10 · products and -- but they haven't necessarily had as  11 · much experience doing such a thing.  12 · · · · · It also is the -- the demand for talent  13 · for certain things.  14 · · · · · The cloud -- cloud jobs right now are  15 · very, very hot, and the talent out there for those  16 · positions is slim. · And we have big competition for  17 · those -- for those people.</p>	
<p><b>285:5-286:16</b>  5 · · · · · MR. FINBERG: · Q · Different products may  6 · require the same skills, knowledge, and abilities;  7 · correct?  8 · · · · · MS. CONNELL: · Objection. · Incomplete  9 · hypothetical; assumes facts; and calls for  10 · speculation.  11 · · · · · THE WITNESS: · I don't -- I don't know.  12 · · · · · MR. FINBERG: · Q · So this talks about  13 · salary increases being at the discretion of a  14 · manager.</p>	

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<p>15 · · · · · What controls, if any, does Oracle place 16 · on a manager's discretion? 17 · · · · · MS. CONNELL: · Objection. · Assumes facts. 18 · · · · · THE WITNESS: · This is where the 19 · relationship with the HR business partner comes 20 · into play. · We -- and/or a compensation analyst. 21 · Sometimes it's the three of them working together. 22 · · · · · Our training speaks to helping the 23 · managers to make the best decision and educating 24 · them on where people should be in the range relative 25 · to their -- their location, their performance,</p> <p><b>286</b> 1 · their -- their level of -- of impact on the team and 2 · on the job. 3 · · · · · So the -- the HR -- and -- and once they 4 · submit an increase, as we saw with the approval 5 · matrix, it goes to HR first. · So HR would have a -- 6 · would have a look at what's been submitted and work 7 · with the manager if they have any concerns. 8 · · · · · Generally, the HR manager often already 9 · knows because they've had conversations about it. 10 · · · · · MR. FINBERG: · Q. · But I think you 11 · testified yesterday that HR simply consults. 12 · · · · · They don't make decisions; correct? 13 · · · · A. · Absolutely. 14 · · · · Q. · And so it's the manager who has the 15 · discretionary authority, not HR; correct? 16 · · · · A. · Correct.</p>	
<p><b>288:19-293:21</b></p> <p>19 · · · · · MR. FINBERG: · Q. · Well, is there any 20 · feedback system to hold people -- to hold the line 21 · managers accountable to make sure that they're 22 · giving these raises consistent with objective, job- 23 · related factors, such as performance? 24 · · · · · MS. CONNELL: · Objection. · Vague. 25 · · · · · THE WITNESS: · Could you rephrase that,</p> <p><b>289</b> 1 · please? 2 · · · · · MR. FINBERG: · Q. · Okay. · So managers are 3 · exercising discretion. 4 · · · · · And the question is, are they exercising</p>	

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<p>5· it in an appropriate way to reward people who are  6· performing better, or are they exercising it in an  7· inappropriate way to reward their friends?  8· . . . . And the question is: You have all this  9· discretion in this line manager. What in the  10· system -- yes, they're given guidance from both the  11· training and from HR. But they have the decision-  12· making authority.  13· . . . . What in the system is a check on their  14· exercising the discretion in an inappropriate way  15· and ensuring that they exercise it in an appropriate  16· way, such as to ensure high performers?  17· . . . . MS. CONNELL: I'm going to object to the  18· preamble of the question and the notion that there's  19· an appropriate and inappropriate way to exercise  20· discretion.  21· . . . . MR. FINBERG: And I worked so hard on that  22· preamble.  23· . . . . MS. CONNELL: It assumes facts; it's an  24· incomplete hypothetical; it misstates the testimony  25· that's been given so far in this deposition; it's</p> <p><b>290</b></p> <p>1· also vague and ambiguous; it calls for speculation.  2· . . . . But you can answer, if you're able to.  3· . . . . THE WITNESS: I guess my -- my answer to  4· that would be that the -- we have mandatory  5· nondiscrimination training. We have mandatory EEO  6· training. We have mandatory ethics training. We  7· have -- we have all of these trainings that managers  8· are required to take at Oracle that express the  9· importance to our company that people make ethical,  10· nondiscriminatory decisions.  11· . . . . And at the end of the day, as -- as huge  12· as we are, we can't possibly know what is in the  13· brain of every single manager who makes a pay-change  14· decision.  15· . . . . We look for the justifications. We look  16· for a good basis to those justifications. They have  17· to write those.  18· . . . . And as I said before, if they -- if they  19· lie and put together stuff that is a bunch of  20· garbage, the -- the hope would with that -- would be  21· that it would be discovered, and it would be grounds</p>	

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<p>22· ·for termination. 23· · . . . . But we also have -- we have an ethics 24· · hotline. If -- if an employee feels like they've 25· · been wronged or something -- some decision was --</p>	
<p><b>291</b> 1· · was made on a basis that doesn't make any sense, 2· · they can absolutely report that, and we would 3· · investigate that. 4· · . . . . MR. FINBERG: Q. My question didn't 5· · necessarily assume that the person was 6· · discriminating, just that they weren't using 7· · appropriate factors, that they weren't rewarding 8· · performance, that they were rewarding their friends. 9· · . . . . So I'm not sure nondiscrimination policies 10· · prevent that. 11· · . . . . Is there anything else that would prevent 12· · that? 13· · . . . . MS. CONNELL: Objection. Asked and 14· · answered. 15· · . . . . THE WITNESS: Again, if they -- if the 16· · reason really is because it's their friend, and they 17· · still have to put in -- they would not put that in 18· · their justification that, "This is my friend." 19· · . . . . There has to be a business reason for why 20· · they are doing it. 21· · . . . . And the -- the HR manager, the next-level 22· · manager could see that, "Oh, this -- the 23· · justification said they're low in the range and a 24· · high performer. It doesn't appear that they're low 25· · in the range. And I looked at the last performance</p>	
<p><b>292</b> 1· · ratings, and they're not. So this justification 2· · isn't even accurate. They are trying to pull one by 3· · me." They could -- they could find that. 4· · . . . . You still have to have a business 5· · justification that makes sense for putting in that 6· · increase. 7· · . . . . MR. FINBERG: Q. All right. So when we 8· · talked yesterday, I think in the context of salary 9· · increases and bonuses, you said on a number of 10· · occasions that the people up the line were going to 11· · be primarily concerned with whether the person was 12· · within their budget.</p>	

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<p>13 · · · · · And now are you saying, in addition to 14 · being concerned about whether they're within the 15 · budget, they're going to scrutinize the business 16 · justifications? 17 · · · · · MS. CONNELL: · Objection. · Misstates her 18 · prior testimony. 19 · · · · · THE WITNESS: · That's absolutely not what I 20 · said. 21 · · · · · MR. FINBERG: · Q. · Okay. 22 · · · · · A. · I said at the highest levels, they are 23 · concerned with making -- making sure that they 24 · stayed within their budget. 25 · · · · · The first couple of levels of management</p>	
<p><b>293</b> 1 · absolutely know what these people are doing. 2 · · · · · But it goes way down in the organization. 3 · · · · · That -- that second-level manager is not 4 · just looking at, "Did they stay in the budget?" 5 · They want to make sure. · They know -- they know 6 · these people, too. · And they make sure that there 7 · are -- that they're good and that the money was 8 · spent wisely. 9 · · · · · Q. · How far up the manager hierarchy are the 10 · managers scrutinizing the business judgment? 11 · · · · · A. · It depends. 12 · · · · · MS. CONNELL: · Objection. · Calls -- calls 13 · for speculation. 14 · · · · · MR. FINBERG: · Q. · Just one level beyond 15 · the manager decision-maker, two levels beyond? 16 · · · · · A. · It depends -- 17 · · · · · MR. FINBERG: · Objection. 18 · · · · · THE WITNESS: · -- on the organization. 19 · · · · · MS. CONNELL: · Asked and answered. 20 · · · · · THE WITNESS: · It depends on the 21 · organization.</p>	
<p><b>295:10-297:10</b>  10 · · · · · Q. · Okay. · It talks about "Domestic 11 · Transfers," and it says: 12 · · · · · "How my compensation is affected? 13 · · · · · "Because a transfer is defined as a change 14 · · · · · in jobs within a career level, there is 15 · · · · · generally no increase in salary."</p>	

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<p>16 ····· Can you explain what that means?  17 ····· MS. CONNELL: I'll just assert, for the  18 · record, that she has not been designated as a PMK on  19 · transfers or promotions.  20 ····· But you can answer in your percipient  21 · capacity, if you know.  22 ····· THE WITNESS: Just let me read this,  23 · please.  24 ····· MR. FINBERG: Q. Sure.  25 ····· A. So could you repeat your question, please?</p> <p><b>296</b>  1 ····· Q. Sure.  2 ····· There's that sentence:  3 ····· "Because a transfer is defined as a change  4 ····· in jobs within a career level, there is  5 ····· generally no increase in salary."  6 ····· Please explain the meaning of that  7 · sentence.  8 ····· MS. CONNELL: Objection. Calls for  9 · speculation.  10 ····· THE WITNESS: It simply means that most of  11 · our internal transfers are lateral, meaning their  12 · job may change, they may go to a different team.  13 ····· But if -- their career level -- if it's an  14 · IC3 on this team to an IC3 on that team, generally  15 · that's not accompanied with a salary increase.  16 ····· MR. FINBERG: Q. And why is that?  17 ····· MS. CONNELL: Objection. Calls for  18 · speculation.  19 ····· THE WITNESS: Typically, it's because  20 · they're already paid appropriately for that level.  21 ····· MR. FINBERG: Q. Different teams work on  22 · different products; correct?  23 ····· MS. CONNELL: Objection. Incomplete  24 · hypothetical.  25 ····· THE WITNESS: Yes.</p> <p><b>297</b>  1 ····· MR. FINBERG: Q. And so even though  2 · they're changing from one product to another,  3 · you're not changing their salary; correct?  4 ····· MS. CONNELL: Objection. Incomplete  5 · hypothetical.  6 ····· THE WITNESS: It depends.</p>	

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7 · · · · · MR. FINBERG:· Q:· But, generally, there's 8 · no increase; correct? 9 · · · · A:· Generally, with a lateral transfer, there 10 · is no increase, yes, as stated.	
<b>297:11-298:22</b>  11 · · · · Q:· So, for example, if an application 12 · engineer transfers from SCM to HCM as an IC3, in 13 · general, she or he would have the same salary; 14 · correct? 15 · · · · MS. CONNELL:· Objection:· Incomplete 16 · hypothetical; calls for speculation. 17 · · · · THE WITNESS:· In general. 18 · · · · It -- there -- there are -- there probably 19 · would be unique situations where they would put 20 · together a justification on why an increase may be 21 · necessary. 22 · · · · But, in general, we say that a lateral 23 · increase (sic) is lateral in both career level and 24 · pay. 25 · · · · MS. CONNELL:· Do you mean a lateral	
<b>298</b> 1 · · transfer? 2 · · · · THE WITNESS:· I'm sorry.· A lateral -- 3 · a lateral transfer means lateral career level and 4 · lateral pay. 5 · · · · And if I might add, this is in place to 6 · try to prevent some -- some -- a bit of a war for 7 · talent, so that a manager can't say, "Hey, come 8 · over to my team.· I'll give you 5,000 more for 9 · essentially the same job." 10 · · · · We want -- we don't want people to think 11 · that they could simply hop and have managers then 12 · fighting for -- unless -- unless it was employee- 13 · initiated, we don't -- we don't want to create 14 · infighting. 15 · · · · MR. FINBERG:· Q:· Why is that? 16 · · · · A:· Because it -- it can be -- it can be 17 · detrimental to the flow of a team. 18 · · · · Employees absolutely can and we highly, 19 · highly encourage seeking out those internal transfer 20 · opportunities, if they're interested in that. 21 · · · · But to be able to just throw money out	

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22 · there could create a toxic environment.	
<b>298:23-300:23</b>	
23 · . . . Q. Let's turn to the next page, -892.	
24 · . . . We talked a little bit about job codes	
25 · yesterday.	
<b>299</b>	
1 · . . . And the first sentence says:	
2 · . . . "To facilitate its global job	
3 · . . . classification process, Oracle uses a job	
4 · . . . code structure wherein each employee is	
5 · . . . assigned a job code. Each global job code	
6 · . . . represents a unique combination of	
7 · . . . function/specialty area/career level.	
8 · . . . This means that every employee assigned to	
9 · . . . jobcode 11111 has the same function,	
10 · . . . specialty area, and career level	
11 · . . . combination."	
12 · . . . I think we talked about most of that	
13 · yesterday.	
14 · . . . The next sentence says (as read):	
15 · . . . "If required, a product and industry code	
16 · . . . is assigned directly to an employee record	
17 · . . . in the HR database..."	
18 · . . . So the document that we looked at	
19 · yesterday didn't have either a product or an	
20 · industry code.	
21 · . . . What is a product code?	
22 · . . . A. The product code, I believe, was on --	
23 · . . . Q. Well, let's go back to 43, which has the	
24 · job codes.	
25 · . . . A. No, it wasn't on this one.	
<b>300</b>	
1 · . . . There was another --	
2 · . . . Q. We did look early in the day at a	
3 · document -- let's see.	
4 · . . . A. I think it might have been that M and A	
5 · tree one.	
6 · . . . Q. Try -- try -6678.	
7 · . . . MS. CONNELL: Which exhibit number?	
8 · . . . MR. FINBERG: Twenty-six.	
9 · . . . Q. Is that what you're thinking of?	

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<p>10 ···· A. Yes.  11 ···· Q. Okay. Perfect.  12 ···· A. Yes. And you'll notice that it's  13 · indicated that product -- there isn't an associated  14 · product with any of the IT or product development  15 · codes.  16 ···· Q. Okay. But there are for support?  17 ···· A. Yes.  18 ···· Q. Okay. And is -- that's because if you're  19 · in support, you're supporting a particular product?  20 ···· A. I believe that we talked about this  21 · yesterday.  22 ···· I'm not as familiar with support, but it  23 · would appear that way.</p>	
<p><b>300:24-301:7</b></p> <p>24 ···· Q. And is the product code contained in the  25 · HR database?</p> <p><b>301</b></p> <p>1 ···· A. I don't know.  2 ···· Q. Okay. And what's an industry code?  3 ···· A. I don't know the answer to that either.  4 ···· Q. Do you know whether that's in the HR  5 · database?  6 ···· A. I don't know.  7 ···· Q. Okay.</p>	
<p><b>301:8-16</b></p> <p>8 ···· A. I don't believe either the product or the  9 · industry code is required anymore. I think that is  10 · a recent change. And we should probably get rid of  11 · that sentence here.  12 ···· Q. When was it no longer required?  13 ···· A. I don't have any idea.  14 ···· But it's not -- it's not familiar to me.  15 · I have not ever set up a job and used a product or  16 · industry code in my time here.</p>	
<p><b>306:2-307:4</b></p> <p>2 ······ (Deposition Exhibit 49 was marked for  3 ······ identification.)</p>	

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<p>4 · · · · · MR. FINBERG: Q. Okay.</p> <p>5 · · · · · MS. CONNELL: Is this 49?</p> <p>6 · · · · · MR. FINBERG: Q. The court reporter has</p> <p>7 · marked as Exhibit 49 a document, ORACLE_JEWETT-5705</p> <p>8 · through -5706.</p> <p>9 · · · · · Do you recognize this?</p> <p>10 · · · · A. I do not.</p> <p>11 · · · · Q. Do you know who created this document?</p> <p>12 · · · · A. I do not.</p> <p>13 · · · · Q. Do you know what it's used for?</p> <p>14 · · · · A. I believe it is probably used because we</p> <p>15 · have an accelerated hiring experience. I see the</p> <p>16 · date is from 2018.</p> <p>17 · · · · · So for setting new hire -- putting in new</p> <p>18 · hire offers, we have put more of the onus on HR to</p> <p>19 · do the review of the offer.</p> <p>20 · · · · · And the U.S. compensation team likely put</p> <p>21 · this together as just, as it says, a checklist for</p> <p>22 · the members of HR who will be reviewing offers.</p> <p>23 · · · · Q. And then the HR business partner would</p> <p>24 · talk to the line manager about the decision using</p> <p>25 · this checklist?</p> <p><b>307</b></p> <p>1 · · · · · MS. CONNELL: Objection. Calls for</p> <p>2 · speculation.</p> <p>3 · · · · · THE WITNESS: Possibly.</p> <p>4 · · · · · MR. FINBERG: Q. Okay. Thank you.</p>	
<p><b>307:5-308:7</b></p> <p>5 · · · · · (Deposition Exhibit 50 was marked for</p> <p>6 · · · · · identification.)</p> <p>7 · · · · · MR. FINBERG: Q. The court reporter has</p> <p>8 · marked as Exhibit 50 a document with one Bates</p> <p>9 · number, 6557 (sic), and then there's a -- what</p> <p>10 · appears to be a PowerPoint presentation.</p> <p>11 · · · · · MR. MULLAN: 6577.</p> <p>12 · · · · · MR. FINBERG: Q. 6577 is a PowerPoint</p> <p>13 · presentation entitled "Managing Compensation</p> <p>14 · July 2016."</p> <p>15 · · · · · Do you recognize this?</p> <p>16 · · · · A. I do not specifically recognize this one,</p> <p>17 · but much of it is just repackaged content from</p> <p>18 · Exhibit 24.</p>	

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<p>19 . . . . Q. The global compensation training? 20 . . . . A. Yes. 21 . . . . Q. Do you know what group would have put this 22 . out? 23 . . . . A. It would have been the U.S. compensation 24 . team. 25 . . . . Q. So in HR or your group?</p> <p><b>308</b> 1 . . . . A. It's not my group. There's a different 2 . group for the U.S. compensation team. It's -- it's 3 . comp, but not my team. 4 . . . . Q. Was that the Lisa Gordon team? 5 . . . . A. Lisa -- it's the -- oh, this would have 6 . happened after Lisa, but it's those -- the U.S. 7 . compensation --</p>	
<p><b>312:8-313:1</b></p> <p>8 . . . . . (Deposition Exhibit 51 was marked for 9 . . . . . identification.) 10 . . . . . MR. FINBERG: Q. The court reporter has 11 . marked as Exhibit 51 what appears to be a PowerPoint 12 . with the Bates No. 4714. 13 . . . . . Do you recognize this? 14 . . . . A. I do not recognize this specifically. 15 . . . . . But, once again, much of it is just 16 . repackaged content from Exhibit 24. 17 . . . . Q. Okay. And this says: 18 . . . . . "Q4FY15," which I take to be fiscal year 19 . . . . . '15, "HR Webinar, Oracle Compensation." 20 . . . . . It looks like the presenters are 21 . Shawn DeValle -- 22 . . . . . Who's Shawn DeValle? 23 . . . . A. He is an Oracle -- he was at this time an 24 . Oracle compensation employee. 25 . . . . Q. And is he still with Oracle?</p> <p><b>313</b> 1 . . . . A. He is with Oracle still.</p>	
<p><b>316:15-317:8</b></p> <p>15 . . . . . (Deposition Exhibit 53 was marked for 16 . . . . . identification.)</p>	

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<p>17 · · · · · MR. FINBERG: Q. Okay. The court 18 · reporter has marked as Exhibit 53 a document with 19 · the Bates numbers -6603 through -6622. 20 · · · · · Do you recognize this document? 21 · · · · A. Not specifically, but, once again, it 22 · looks like a lot of repackaged content of previous 23 · trainings. 24 · · · · Q. So who do you think put this together? 25 · · · · A. This would have been the U.S. compensation</p> <p><b>317</b></p> <p>1 · team. 2 · · · · Q. And what leads you to that conclusion? 3 · · · · A. Because of the -- well, one, because it 4 · was provided to you. And for this case, we wouldn't 5 · send you anything that was from any other region. 6 · · · · · And, also, because on the -- on page 2 it 7 · specifically says -- gives that the -- this is a 8 · "US Compensation Training Series."</p>	
<p><b>320:9-320:21</b></p> <p>9 · · · · · (Deposition Exhibit 54 was marked for 10 · · · · · identification.) 11 · · · · · MR. FINBERG: Q. The court reporter has 12 · marked as Plaintiff's 54 a document with the Bates 13 · numbers ORACLE_JEWETT-5648 through -78. 14 · · · · · Do you recognize this document? 15 · · · · A. I do. 16 · · · · Q. What is this? 17 · · · · A. It is training that was put together by 18 · the U.S. compensation team to be delivered to HR 19 · manag- -- HR business partners to guide them in 20 · their review of offers as part of the accelerated 21 · hiring experience.</p>	
<p><b>330:22-331:16</b></p> <p>22 · · · · · MR. FINBERG: Q. Okay. The court 23 · reporter has marked Exhibit Plaintiff's 55, which 24 · has Bates number 4876, and that appears to be a 25 · PowerPoint.</p> <p><b>331</b></p>	

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<p>1 ····· Do you recognize this?                  2 ····· A · I do.                  3 ····· Q · It has your name on the front.                  4 ····· A · Yes.                  5 ····· Q · Did you create this?                  6 ····· A · I did.                  7 ····· Q · What is it?                  8 ····· A · It is the -- just a PowerPoint to -- to                  9 · give to our regional compensation leadership the                  10 · recently created global guidelines for equity grants                  11 · that were based on market research.                  12 ····· Q · Okay · And those are set forth on the page                  13 · that says "FY...Global New Hire Equity Guidelines,"                  14 · and then "FY17 Global Annual Equity Grant                  15 · Guidelines" ?                  16 ····· A · Correct.</p>	
<p><b>331:17-332:4</b></p> <p>17 ····· (Deposition Exhibit 56 was marked for                  18 ····· identification.)                  19 ····· MR. FINBERG: Q · The court reporter has                  20 · marked as Exhibit Plaintiff's 56 a document with the                  21 · Bates numbers -6579 through -6602.                  22 ····· Do you recognize this?                  23 ····· A · Yes, I recognize it.                  24 ····· Q · What is this?                  25 ····· A · It's, basically, a step-by-step navigation</p> <p><b>332</b></p> <p>1 · for how to use our Workforce Compensation tool.                  2 ····· Q · Who put this together?                  3 ····· A · I believe somebody from our HR information                  4 · services team, our technical HR team.</p>	
<p><b>326:7-348:23</b></p> <p><b>326</b></p> <p>7 ····· Q · How do you read this slide?                  8 ····· I mean, there are two lines there.                  9 · There's HQ, and then there's a line for sales and                  10 · pre-sales, and then there's another for Bay Area.                  11 ····· So how -- what do you understand this to                  12 · be saying?</p>	<p>Oracle objects that OFCCP has designated testimony that lacks foundation (326:7-329:23; 334:9-338:25)</p>

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<p>13 · · · · A. · So this is saying our sales and pre-sales 14 · jobs -- we don't apply a geographic differential to 15 · sales and pre-sales. · But that isn't -- that isn't 16 · why we're here today. 17 · · · · · The -- the next one of San Francisco 18 · Bay Area -- 19 · · · · Q. · Uh-huh. 20 · · · · A. · -- this is the U.S. compensation team in 21 · this training detailing for line (sic) HR who is 22 · considered -- which ZIP Codes, which general areas 23 · of California are considered in the HQ? 24 · · · · Q. · And so for product development, IT, and 25 · support, it's the dash with "SF Bay Area" that would</p>	
<p><b>327</b></p>	
<p>1 · apply; correct? 2 · · · · A. · Correct. 3 · · · · Q. · And at least as of the date of this 4 · document, November 2017, the Bay Area includes 5 · Sacramento and Monterey; correct? 6 · · · · · MS. CONNELL: · I'll just insert an 7 · objection that you're assuming that this document is 8 · correct. 9 · · · · · And she's not familiar with this document, 10 · so I don't know that she can testify to that, but -- 11 · · · · · MR. FINBERG: · I'm just trying to get her 12 · best knowledge, because I don't know this. 13 · · · · · THE WITNESS: · Yes. 14 · · · · · MR. FINBERG: · She's the head of 15 · compensation. 16 · · · · · THE WITNESS: · Well, based on this -- so 17 · as I already said, I misspoke. · I had no idea. 18 · · · · · And I'm not a -- I'm not a California 19 · person, so I don't even know where some of these 20 · places are. · I had no idea Monterey was part of it. 21 · I thought it was the 94- ZIP Codes and, then, 950 22 · and 951. 23 · · · · · It appears that there are a couple other 24 · areas that are outliers from what I had understood. 25 · · · · · MS. CONNELL: · And I'm going to insert an</p>	

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<p>328</p> <p>·1· ·objection that it lacks foundation. ·2· ······ I don't think we can establish, based on ·3· ·this document, what is and isn't in HQ. ·4· ······ We can certainly clear that up off the ·5· ·record. ·6· ······ MR. FINBERG: · Right. · It's just -- ·7· ······ MS. CONNELL: · There's a right answer. ·8· ······ MR. FINBERG: · This is just a -- ·9· ······ MS. CONNELL: · This can be verified. 10· ······ MR. FINBERG: · -- just a search for truth, 11· ·Erin. · Just a search for truth. 12· ······ MS. CONNELL: · But I don't know that we can 13· ·do that here today with this witness and this 14· ·document. 15· ······ MR. FINBERG: · Q. · Who -- so who makes 16· ·these decisions? 17· ··· · A. · I don't know. · The -- the decisions 18· ·predate me. 19· ··· · Q. · HQ -- the HQ location was made before you 20· ·started working? 21· ··· · A. · The -- the split of our ranges into HQ and 22· ·non-HQ, absolutely. 23· ··· · Q. · Okay. 24· ··· · A. · That was before I started. 25· ··· · Q. · And you don't think it's changed in the</p>	
<p>329</p> <p>·1· ·last ten years? ·2· ··· · A. · I don't have any idea. ·3· ··· · Q. · You don't know one way or the other? ·4· ··· · A. · I don't know one way or the other. ·5· ··· · Q. · Who would make that decision? ·6· ··· · A. · At this point in time, it would probably ·7· ·be the -- the person in charge of U.S. compensation ·8· ·might say that they need to add another ZIP Code or ·9· ·something to an HQ location. 10· ··· · Q. · Okay. 11· ··· · A. · It's quite possible this has been in place 12· ·and that I just misspoke. 13· ··· · Q. · Okay. · Thank you.</p>	

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<p>14 ····· MS. CONNELL: Jim, can we take a break -- 15 ····· MR. FINBERG: Sure. 16 ····· MS. CONNELL: -- when you're at a breaking 17 · point? 18 ····· MR. FINBERG: This is fine. 19 ····· THE VIDEOGRAPHER: We're going off the 20 · record at 10:24. 21 ····· (Recess taken: 10:24 a.m. until 10:38 a.m.) 22 ····· THE VIDEOGRAPHER: We're back on the 23 · record at 10:38, beginning Media No. 2. 24 ····· (Deposition Exhibit 55 was marked for 25 · identification.)</p>	
<p><b>330</b></p>	
<p>1 ····· MR. FINBERG: Q. You mentioned the title 2 · "compensation analyst." 3 ····· What does a compensation analyst do? 4 ····· A. I guess I don't remember using that word. 5 ····· "Compensation consultants" is what we tend 6 · to call our compensation people. 7 ····· Q. Okay. 8 ····· (Addressing Mr. Mullan) John, do you 9 · remember? 10 ····· MR. MULLAN: I thought you used it in the 11 · context of who was reviewing decisions for proper 12 · exercise of discretion by managers. 13 ····· MS. CONNELL: Objection. Misstates her 14 · testimony. 15 ····· THE WITNESS: I don't -- I don't believe I 16 · used "analyst." 17 ····· If I did, "compensation consultant," "comp 18 · analyst" are used pretty interchangeably in our -- 19 · in our industry. 20 ····· MS. CONNELL: There was also no testimony 21 · about proper exercise of discretion. 22 ····· MR. FINBERG: Q. Okay. The court 23 · reporter has marked Exhibit Plaintiff's 55, which 24 · has Bates number 4876, and that appears to be a 25 · PowerPoint.</p>	
<p><b>331</b></p> <p>1 ····· Do you recognize this?</p>	

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<p>·2· ··· A· ·I do.</p> <p>·3· ··· Q· ·It has your name on the front.</p> <p>·4· ··· A· ·Yes.</p> <p>·5· ··· Q· ·Did you create this?</p> <p>·6· ··· A· ·I did.</p> <p>·7· ··· Q· ·What is it?</p> <p>·8· ··· A· ·It is the -- just a PowerPoint to -- to</p> <p>·9· ·give to our regional compensation leadership the</p> <p>10· ·recently created global guidelines for equity grants</p> <p>11· ·that were based on market research.</p> <p>12· ··· Q· ·Okay· And those are set forth on the page</p> <p>13· ·that says "FY...Global New Hire Equity Guidelines,"</p> <p>14· ·and then "FY17 Global Annual Equity Grant</p> <p>15· ·Guidelines"?</p> <p>16· ··· A· ·Correct.</p> <p>17· ······ (Deposition Exhibit 56 was marked for</p> <p>18· ······ ·identification.)</p> <p>19· ······ MR. FINBERG:· Q· The court reporter has</p> <p>20· ·marked as Exhibit Plaintiff's 56 a document with the</p> <p>21· ·Bates numbers -6579 through -6602.</p> <p>22· ······ Do you recognize this?</p> <p>23· ··· A· ·Yes, I recognize it.</p> <p>24· ··· Q· ·What is this?</p> <p>25· ··· A· ·It's, basically, a step-by-step navigation</p> <p><b>332</b></p> <p>·1· ·for how to use our Workforce Compensation tool.</p> <p>·2· ··· Q· ·Who put this together?</p> <p>·3· ··· A· ·I believe somebody from our HR information</p> <p>·4· ·services team, our technical HR team.</p> <p>·5· ··· Q· ·Let me turn your attention to page -6587.</p> <p>·6· ······ Under the heading "No Access":</p> <p>·7· ······ "Budget worksheets are not available to</p> <p>·8· ······ this access level· It is strongly</p> <p>·9· ······ recommended to assign this access to</p> <p>10· ······ subordinate managers who do not have</p> <p>11· ······ subordinate managers reporting to them to</p> <p>12· ······ ensure they cannot access the budget</p> <p>13· ······ worksheet."</p> <p>14· ······ What does this mean?</p> <p>15· ··· A· ·So the budget worksheet within the plan is</p> <p>16· ·what's used to push a budget down.</p> <p>17· ······ There's a -- there's a budget worksheet,</p>	

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18· and then there's a "give awards" worksheet. 19· . . . . . The budget worksheet is simply for 20· cascading the budget to the next level of manager. 21· . . . . . So this means that if -- so just for my 22· personal -- to give you a personal example, 23· Phil Jenish, it's -- if Phil gives me a budget, but 24· I don't have subordinate managers underneath me, so 25· there would be no reason to push a budget down from	
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1· me, the budget worksheet would show no access for me 2· because I don't have anybody to push it down to 3· anyway. 4· . . . Q· And it -- what is it recommending? 5· . . . A· Just what it states, give no access to 6· people with -- who don't have managers under them 7· because there's no reason for them to access a 8· budget worksheet. 9· . . . Q· We talked a little bit about companies 10· being acquired. 11· . . . . . You said it was -- Oracle's acquired a 12· very large number of companies. 13· . . . A· Yes. 14· . . . Q· I'm familiar with some. 15· . . . . . Sun Microsystems; yes? 16· . . . A· Yes, that was one of our -- that probably 17· was our largest. 18· . . . Q· Okay. PeopleSoft? 19· . . . A· Yes. 20· . . . Q· NetSuite? 21· . . . A· Yes. 22· . . . Q· What are some of the other larger ones? 23· . . . A· Right -- right now was a company out of 24· Montana, Moat, M-o-a-t; Opower; Textura; Siebel. 25· . . . Q· S-i-e --	
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1· . . . A· S-i-e-b-e-l. 2· . . . Q· Okay. 3· . . . A· I'm drawing a blank. 4· . . . . . Grapeshot was a recently announced one. 5· Grapeshot, all one word.	

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<p>6 . . . . . THE REPORTER: Like the fruit?            7 . . . . . THE WITNESS: Like the fruit, Grapeshot.            8 . . . . . BlueKai, Datalogics, to name a few.            9 . . . . . MR. FINBERG: Q. Okay. I'd like to turn            10 your attention back to Exhibit 28, specifically to            11 page -129.            12 . . . . . MS. CONNELL: What does 28 look like?            13 . . . . . MR. FINBERG: Q. Twenty-eight is the            14 Rong -- Rong Yang, now Rong Jewett, new employee            15 paperwork.            16 . . . . Q. You have page -129?            17 . . . . A. Yes.            18 . . . . Q. Okay. So during the period from 2011            19 through October of 2017, Oracle would instruct            20 people who were in contact with potential new hires            21 to collect information about the candidate's            22 previous employer and compensation information;            23 correct?            24 . . . . . MS. CONNELL: Objection. Assumes facts --            25 just misstates facts, but you can --</p> <p><b>335</b></p> <p>1 . . . . . THE WITNESS: I don't know that we would            2 instruct them to do that.            3 . . . . . MR. FINBERG: Q. Well, looking at this            4 form, under "Terms And Conditions," under "Salary,"            5 there's a line that says:            6 . . . . . "Candidate's previous employer and            7 . . . . . compensation information," and it says,            8 . . . . . "(Mandatory)."            9 . . . . . Do you see that?            10 . . . . A. I do see that.            11 . . . . Q. And this is information that hiring            12 managers were instructed to collect about potential            13 hires; correct?            14 . . . . . MS. CONNELL: Objection. Lacks            15 foundation; calls for speculation.            16 . . . . . THE WITNESS: I -- I don't know.            17 . . . . . MR. FINBERG: Q. You were not involved in            18 that process?            19 . . . . A. I am not involved in that process, no.            20 . . . . Q. Who's involved in that process?            21 . . . . A. This offer form -- this -- this offer form</p>	

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22· ·right here predates me.· I have no idea how it was 23· ·all put together or determined, what -- what data 24· ·they would collect. 25· ···· Q.· Okay.	
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1· ······ MS. CONNELL:· You're also making a number 2· ·of assumptions based on the document.· And it's 3· ·internally inconsistent with your premise since 4· ·this --	
5· ······ MR. FINBERG:· Don't testify, Erin; okay? 6· ·Don't testify.	
7· ···· Q.· It is your understanding that managers 8· ·hiring new people are instructed to collect 9· ·information about prior salary; correct?	
10· ······ MS. CONNELL:· Objection.· Asked and 11· ·answered.	
12· ······ MR. FINBERG:· You can let her answer.	
13· ······ MS. CONNELL:· Lacks foundation.	
14· ······ THE WITNESS:· The word "instructed" -- I 15· ·wouldn't say "instructed."	
16· ······ MR. FINBERG:· Q.· Okay.· Given guidance 17· ·that that is a good thing to do?	
18· ······ MS. CONNELL:· Objection.· Lacks 19· ·foundation.	
20· ······ THE WITNESS:· I don't know.	
21· ······ MR. FINBERG:· Q.· How would you describe 22· ·it?	
23· ···· A.· I'd describe it as a field in the offer 24· ·form.	
25· ···· Q.· Okay.· A field that was in the offer form	
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1· ·from 2011 through October of 2017; correct?	
2· ······ MS. CONNELL:· Objection.· Lacks 3· ·foundation; calls for speculation.	
4· ······ THE WITNESS:· I'm not sure the dates that 5· ·it was -- that it was in there.	
6· ······ I know it is not in there anymore.	
7· ······ MR. FINBERG:· Q.· As of October 2017?	
8· ···· A.· I believe that's correct.	
9· ···· Q.· Because of a change in the law?	
10· ···· A.· Yes, because of a change in California	

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<p>11 · law.  12 · · · · Q · Okay · And before that, in California the  13 · offer form did seek that information; correct?  14 · · · · · MS. CONNELL · Objection · Lacks  15 · foundation, and vague and ambiguous as to "offer  16 · form."  17 · · · · · THE WITNESS · Which -- which form?  18 · · · · · MR. FINBERG · Q · Well, the form that  19 · somebody interacting -- people who interact with  20 · potential new hires collect information from the  21 · potential new hires; correct?  22 · · · · A · Possibly.  23 · · · · Q · Who -- who is involved in that process?  24 · · · · A · Which process?  25 · · · · Q · The process of collecting information from</p> <p><b>338</b></p> <p>1 · potential new hires.  2 · · · · A · Probably recruiters and the hiring  3 · manager, I would guess.  4 · · · · Q · Okay · And is it your understanding that  5 · recruiters collected information about prior salary  6 · until October of 2017?  7 · · · · · MS. CONNELL · Objection · Misstates her  8 · testimony and asked and answered.  9 · · · · · THE WITNESS · I don't know that they  10 · always did that.  11 · · · · · MR. FINBERG · Q · Okay · But they  12 · generally did; correct?  13 · · · · · MS. CONNELL · Objection · Argumentative;  14 · asked and answered --  15 · · · · · THE WITNESS · I don't know.  16 · · · · · MS. CONNELL · -- and misstates her  17 · testimony.  18 · · · · · MR. FINBERG · Q · Is that your  19 · understanding?  20 · · · · · MS. CONNELL · Asked and answered.  21 · · · · · THE WITNESS · I don't know.  22 · · · · · MR. FINBERG · Q · Okay · You don't have  23 · any knowledge one way or the other?  24 · · · · A · I do not have knowledge one way or the  25 · other.</p> <p><b>339</b></p> <p>1 · · · · Q · Okay · All right · You were involved in</p>	

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2 · initial pay setting for new hires; correct?	
3 · · · · · MS. CONNELL: · Objection. · Vague and	
4 · ambiguous.	
5 · · · · · MR. FINBERG: · Q. · On giving guidance to	
6 · managers on how to set salary?	
7 · · · · A. · At one point in time in my career at	
8 · Oracle, yes.	
9 · · · · Q. · Okay. · When was that?	
10 · · · · A. · Well, I started at Oracle in '05 with the	
11 · acquisition, and it was 2013 that I got out of the	
12 · consultative role.	
13 · · · · Q. · So from '05 through 2013, you worked with	
14 · people who were making hiring decisions and setting	
15 · initial salary?	
16 · · · · A. · Sometimes.	
17 · · · · Q. · And during that time, you encouraged them	
18 · to collect information about the current salary at	
19 · the previous employer; correct?	
20 · · · · · MS. CONNELL: · Objection. · Asked and	
21 · answered; assumes facts.	
22 · · · · · THE WITNESS: · I did not personally	
23 · encourage anybody to do that, no.	
24 · · · · · MR. FINBERG: · Q. · The form that you asked	
25 · them to collect information with had a field that	
<b>340</b>	
1 · asked them to get that information; correct?	
2 · · · · · MS. CONNELL: · Objection. · Assumes facts.	
3 · · · · · THE WITNESS: · I did not ask them -- this	
4 · form had nothing to do with me.	
5 · · · · · MR. FINBERG: · Q. · What does that mean?	
6 · · · · A. · This offer form wasn't a compensation	
7 · form.	
8 · · · · · This is a standard candidate offer form.	
9 · · · · Q. · So during that period, '05 through 2013,	
10 · you worked with managers who set initial	
11 · compensation for new hires to Oracle?	
12 · · · · · MS. CONNELL: · Objection. · Asked and	
13 · answered.	
14 · · · · · MR. FINBERG: · Q. · Correct?	
15 · · · · A. · On occasion, if they asked.	
16 · · · · · But I was not their first line of -- of	
17 · consultation.	
18 · · · · Q. · I see. · Who was their first line?	

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19· . . . A· HR and recruiting. 20· . . . Q· And when would you get involved? 21· . . . A· Only if they were unsure of sort of where 22· ·to set or if they had -- they had questions and 23· ·would like a little bit of additional guidance. 24· . . . Q· And was one of the data points that you 25· ·discussed with them in those conversations the prior	
<b>341</b> 1· ·salary of the potential new employee? 2· . . . . MS. CONNELL:· Objection· Asked and 3· ·answered. 4· . . . . THE WITNESS:· It would depend. 5· . . . . MR. FINBERG:· Q· Was that typical that 6· ·that was part of the discussion? 7· . . . . MS. CONNELL:· Objection· Asked and 8· ·answered. 9· . . . . THE WITNESS:· Not necessarily. 10· . . . . MR. FINBERG:· Q· But it frequently was? 11· . . . . MS. CONNELL:· Objection· Asked and 12· ·answered. 13· . . . . THE WITNESS:· Not necessarily. 14· . . . . MR. FINBERG:· Q· But "not necessarily" 15· ·means not all the time. 16· . . . A· No. 17· . . . Q· But it was many times? 18· . . . . MS. CONNELL:· Objection. 19· . . . . THE WITNESS:· You -- 20· . . . . MS. CONNELL:· Asked and answered and 21· ·argumentative. 22· . . . . THE WITNESS:· No· I don't -- I don't know 23· ·the frequency. 24· . . . . MR. FINBERG:· Q· So sometimes it was? 25· . . . . MS. CONNELL:· Objection.	
<b>342</b> 1· . . . . THE WITNESS:· It's possible. 2· . . . . MS. CONNELL:· Asked and answered and, at 3· ·this point, argumentative. 4· . . . . MR. FINBERG:· Q· Let's go back to our 5· ·friend Lisa Gordon, because I know Erin loves to 6· ·talk about Lisa Gordon. 7· . . . . (Discussion off the record.) 8· . . . . MR. FINBERG:· Q· All right· Let's look 9· ·at page 8 of what was marked as Exhibit 17 (sic).	

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<p>10 · · · · · (As read) "Ever go above the salary  11 · range?" is the heading.  12 · · · · · And the last sentence in that paragraph  13 · is:  14 · · · · · "Once in a while, someone could be brought  15 · · · · · in above the range. We look for special  16 · · · · · skills or for new people, we try to match  17 · · · · · what they made at the previous company."  18 · · · · · Do you see that?  19 · · · · · A. No.  20 · · · · · Q. I'm on page 8 of Exhibit 17 (sic).  21 · · · · · MR. THOREEN: Yeah. What did we do with  22 · this yesterday? This is the one that --  23 · · · · · THE WITNESS: I don't have page 8.  24 · · · · · (Sotto voce discussion between Mr. Finberg  25 · and Mr. Thoreen.)</p> <p><b>343</b></p> <p>1 · · · · · MR. THOREEN: Yeah, it's --  2 · · · · · THE WITNESS: I don't have a page 8.  3 · · · · · MR. FINBERG: It's not the one that's  4 · marked?  5 · · · · · MR. THOREEN: It's not the one that was  6 · marked.  7 · · · · · MR. FINBERG: Do you have one that has --  8 · Erin, do you have one that has page 8?  9 · · · · · MS. CONNELL: I do.  10 · · · · · MR. FINBERG: Can you show it to the  11 · witness, please?  12 · · · · · (Addressing Mr. Thoreen) And can you have  13 · Tess bring one that has all the pages?  14 · · · · · THE WITNESS: Mine has only odd-numbered  15 · pages.  16 · · · · · MR. FINBERG: Q. All right. Your counsel  17 · has one that has all the pages.  18 · · · · · MS. CONNELL: My same objections to this  19 · exhibit stand.  20 · · · · · What's the question?  21 · · · · · MR. FINBERG: Q. At the end of that  22 · sentence, Lisa Gordon says:  23 · · · · · "...we try to match what they made at the  24 · · · · · previous company."  25 · · · · · Is that an accurate statement of Oracle's</p> <p><b>344</b></p>	

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<p>1 · policy with respect to prior pay from the period 2 · January 1, 2013 through October 2017? 3 · . . . . MS. CONNELL:· Objection.· Misstates facts 4 · and assumes facts. 5 · . . . . THE WITNESS:· Once again, as I said a lot 6 · yesterday, we don't really have compensation policy. 7 · . . . . If I read this response in full, I believe 8 · this is in relation to people coming in through an 9 · acquisition, an acknowledgment that sometimes they 10 · come in outside of range and once in a while they 11 · may come in above the range. 12 · . . . . And we don't -- we don't typically take an 13 · acquisition employee's salary down if it is over a 14 · range. 15 · . . . . So saying we try to match what they made 16 · at the previous company -- in an acquisition, we 17 · bring them over, as we discussed yesterday. 18 · . . . . MR. FINBERG:· Q.· And then she's asked 19 · below that: 20 · . . . . "Prior Salary?" 21 · . . . . She says (as read): 22 · . . . . "Yes, that's a factor." 23 · . . . . MS. CONNELL:· Same objections to the 24 · document. 25 · . . . . MR. FINBERG:· Q.· So is that accurate,</p>	
<p><b>345</b></p>	
<p>1 · that from the period January 1, 2013 through October 2 · of 2017, one of the factors that Oracle considered 3 · when setting initial salary was prior salary? 4 · . . . . MS. CONNELL:· Objection.· Misstates the 5 · document. 6 · . . . . THE WITNESS:· It would depend. 7 · . . . . But it could have possibly been considered 8 · as a factor, along with many other things. 9 · . . . . MR. FINBERG:· Q.· Okay.· It was one of the 10 · factors that was considered; correct? 11 · . . . . MS. CONNELL:· Objection.· Misstates her 12 · testimony and asked and answered. 13 · . . . . She said, "It depends." 14 · . . . . MR. FINBERG:· Don't testify, Erin. 15 · . . . . MS. CONNELL:· I'm not testifying. 16 · . . . . You keep asking her the -- 17 · . . . . MR. FINBERG:· Erin --</p>	

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18 · · · · · MS. CONNELL: · -- same question over and 19 · over again; you get an answer you don't like. 20 · · · · · MR. FINBERG: · -- it's time to stop. 21 · · · · · Let the witness testify. 22 · · · · · MS. CONNELL: · Don't talk to me that way. 23 · · · · · You've asked her the same question over 24 · and over again. 25 · · · · · MR. FINBERG: · Q · It was a factor?	
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1 · · · · · MS. CONNELL: · No · She already answered 2 · that question · And she said, "It depends." 3 · · · · · THE WITNESS: · I said it depends. 4 · · · · · And I said that it may have been a 5 · consideration in some cases, along with many other 6 · factors. 7 · · · · · MR. FINBERG: · Q · Okay · So in some cases 8 · it was a factor; correct? 9 · · · · A · I just said it could have been; it 10 · depends · And it could have been a consideration 11 · along with many other factors. 12 · · · · Q · What would it depend on? 13 · · · · A · I don't have any idea. 14 · · · · · Sometimes it may have been provided; 15 · sometimes it could have been offered up by an 16 · employee. 17 · · · · Q · What do you understand Exhibit 28 to mean 18 · when it says that this field is "Mandatory"? 19 · · · · · MS. CONNELL: · Calls for speculation. 20 · · · · · THE WITNESS: · What do you mean? · What -- 21 · · · · · MR. FINBERG: · Q · Does "Mandatory" suggest 22 · to you that collecting that information is required? 23 · · · · · MS. CONNELL: · Calls for speculation. 24 · · · · · THE WITNESS: · I -- the definition of the 25 · word "mandatory"? · I -- I have no idea if it	
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1 · actually would stop the offer from going out if it 2 · wasn't completed. 3 · · · · · MR. FINBERG: · Q · Let's go back to 4 · Exhibit 24. 5 · · · · · So let me direct your attention to 6 · page -343. 7 · · · · · And these are notes involving a 8 · recruitment scenario · Do you see that?	

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<p>9 · · · · A · Yes.</p> <p>10 · · · · Q · And there's a sentence that says (as</p> <p>11 · read):</p> <p>12 · · · · · "Oftentimes, a premium of five to ten</p> <p>13 · · · · · percent will be required to lure a</p> <p>14 · · · · · candidate away from his or her current</p> <p>15 · · · · · job."</p> <p>16 · · · · · Do you see that?</p> <p>17 · · · · A · I do.</p> <p>18 · · · · Q · So does this indicate that in the training</p> <p>19 · that Oracle provides to managers about setting</p> <p>20 · initial compensation, it encourages them to get</p> <p>21 · information about what they were being paid at their</p> <p>22 · current job and not to pay more than five to ten</p> <p>23 · percent above that?</p> <p>24 · · · · · MS. CONNELL: · Objection · The document</p> <p>25 · speaks for itself.</p> <p><b>348</b></p> <p>1 · · · · · THE WITNESS: · Not at all.</p> <p>2 · · · · · MR. FINBERG: · Q · Well, isn't that what it</p> <p>3 · says, that -- it says sometimes you have to pay a</p> <p>4 · premium of five to ten percent to lure them away</p> <p>5 · from the current job.</p> <p>6 · · · · · So in order to pay a premium of five to</p> <p>7 · ten percent above what they're making at the current</p> <p>8 · job, you need to know what they're making at the</p> <p>9 · current job; right?</p> <p>10 · · · · · MS. CONNELL: · Objection · The document</p> <p>11 · speaks for itself and --</p> <p>12 · · · · · MR. FINBERG: · Q · Is that right?</p> <p>13 · · · · A · In -- in this particular instance, yes,</p> <p>14 · you'd have to know, but --</p> <p>15 · · · · Q · Okay.</p> <p>16 · · · · A · -- often employees would oft- -- employees</p> <p>17 · would tell us, "I'm making X number."</p> <p>18 · · · · · And this was to educate a manager to say,</p> <p>19 · "Don't think you're going to be able to just match</p> <p>20 · what they've told you they already make."</p> <p>21 · · · · · We're going to of- -- oftentimes, we would</p> <p>22 · have to do a premium in order to get them to come</p> <p>23 · here.</p>	
<b>348:24-349:22</b>	

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<p>24 · · · · Q · A premium of five to ten percent is what  25 · they're encouraged to pay; right?</p> <p><b>349</b></p> <p>1 · · · · A · Not at all.  2 · · · · That's an example, just saying, "Often  3 · you're going to need to give a premium · Five to ten  4 · percent might be a ballpark estimate of what the  5 · premium might be."  6 · · · · Q · And it's saying that what they're making  7 · in their current job is important information for  8 · you to be thinking about; right?  9 · · · · MS. CONNELL: · Objection · Misstates the  10 · document.  11 · · · · THE WITNESS: · It does not say that, no.  12 · · · · MR. FINBERG: · Q · Well, you can only know  13 · what the premium above the current salary is if you  14 · know the current salary; right?  15 · · · · MS. CONNELL: · Objection · Asked and  16 · answered · Asked and answered.  17 · · · · THE WITNESS: · For this particular  18 · statement, yes, you would have to know.  19 · · · · But it isn't uncommon for a candidate to  20 · tell a manager what they currently make.  21 · · · · So this is not instruct- -- instructing  22 · our managers to ask.</p>	
<p><b>350:20-351:7</b></p> <p>20 · · · · · (Deposition Exhibit 57 was marked for  21 · · · · · identification.)  22 · · · · · MR. FINBERG: · Q · So the court reporter  23 · has marked as Exhibit 57 --  24 · · · · · (Discussion off the record.)  25 · · · · · MR. FINBERG: · Q · -- a document with the</p> <p><b>351</b></p> <p>1 · Bates number -6674 through -76.  2 · · · · · Do you recognize this document?  3 · · · · A · I do.  4 · · · · Q · What is this?  5 · · · · A · It's an announcement of a new practice  6 · that was put in place for U.S. compensation in  7 · October.</p>	

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<p><b>357:12-23</b></p> <p>12· . . . . (Deposition Exhibit 58 was marked for  13· . . . . identification.)  14· . . . . MR. FINBERG:· Q· The court reporter has  15· marked as Exhibit 58 a document with the Bates  16· numbers -1584 through -1586.  17· . . . . Do you recognize this document?  18· . . . A· I do.  19· . . . Q· What is this?  20· . . . A· This is the FAQs that we have posted on a  21· manager website to help them through a Workforce  22· Compensation program, like focal, equity, or annual  23· bonus.</p>	
<p><b>357:24-358:12</b></p> <p>24· . . . Q· So turning your attention to page -1586 --  25· . . . A· Uh-huh.</p> <p><b>358</b></p> <p>1· . . . Q· -- paragraph 9, it says:  2· . . . Is Compensation History available for my  3· . . . employees?"  4· . . . And it says:  5· . . . "Yes· There is a 'Compensation History'  6· column in the Workforce Compensation  7· worksheet."  8· . . . Does that include information about prior  9· salary at other companies?  10· . . . A· Absolutely not.  11· . . . Q· So it's just Oracle?  12· . . . A· Oracle compensation history, yes.</p>	
<p><b>358:13-25</b></p> <p>13· . . . . (Deposition Exhibit 59 was marked for  14· . . . . identification.)  15· . . . . MR. FINBERG:· Q· The court reporter has  16· marked as Plaintiff's Exhibit 59 a document with the  17· Bates numbers -4850 through -59.  18· . . . . Do you recognize this document?  19· . . . A· I do.  20· . . . Q· What is this?  21· . . . A· It is a little positional -- as it states,</p>	

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<p>22· an LOB -- a line of business alignment and a  23· position alignment to job mapping for how we go  24· about bringing acquisition employees to Oracle --  25· into Oracle's systems and job structure and...</p>	
<p><b>360:18-365:2</b></p> <p>18· . . . Q· Okay· And the standard, as we discussed  19· earlier, is to give employees from an acquired  20· company the same salary that they were being paid at  21· the acquired company; correct?  22· . . . MS. CONNELL· Objection· Vague as to time  23· and misstates her testimony.  24· . . . THE WITNESS· The -- the -- the time part  25· is -- I know early on in the -- 2013, that time</p> <p><b>361</b></p> <p>1· period, we used to do a very -- do our initial  2· mapping, bring everybody on board, keep them on par  3· with where they were, and they'd get the same level,  4· the same package; nothing really changes· And they  5· come in and they settle into Oracle.  6· . . . Most recently and -- and part of the  7· reason we now have a playbook is there has been a  8· realization that when we put in millions, in some  9· cases billions, of dollars into an acquisition, the  10· ability of Oracle to retain some of their key  11· exception talent is critical to the success of the  12· deal· And so there are -- there are times when we  13· may do a change to their compensation, or as I  14· mentioned yesterday, if they are within a couple of  15· months of their own focal, we're now a little bit  16· more open to saying, "Let them continue with their  17· process· They were expecting it· They were already  18· planning for it· They can go ahead and continue,  19· and we will map them over at their new salaries  20· based on their own focal that they already had in  21· the works."  22· . . . MR. FINBERG· Q· But as this document,  23· which was generated in 2017 indicates, bringing the  24· employees from the acquired company in at their  25· existing salaries at the acquired company is</p> <p><b>362</b></p> <p>1· standard, and increasing their salaries is</p>	

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<p>2· non-standard; correct? 3· . . . A· Where does it say that? 4· . . . MS. CONNELL:· Where are you looking? 5· . . . MR. FINBERG:· Q· Well, I'm looking at 6· page -4856 where it says: 7· . . . "The following justification requirements 8· . . . must be adhered to." 9· . . . And the -- one, two, three -- fourth 10· bullet point says: 11· . . . "Salary increase justifications should 12· . . . address the specifics of the request..." 13· . . . So if you're going to increase the salary, 14· it's non-standard, and you need to justify it; 15· correct? 16· . . . MS. CONNELL:· Objection· The document 17· speaks for itself, and you're also misstating the 18· document. 19· . . . THE WITNESS:· I -- I don't -- I'm not 20· following that it says what you are saying it says. 21· . . . MR. FINBERG:· Q· How do you read it? 22· . . . A· Simply that a salary increase 23· justification should be addressed -- just as it's 24· written. 25· . . . Q· Well, this is under the paragraph under</p>	
<p><b>363</b> 1· "Non-Standard (Exception) Offers," right -- the 2· heading? 3· . . . A· Okay· Yes. 4· . . . Q· Right? 5· . . . A· Yes. 6· . . . Q· So a salary increase is an offer that's a 7· non-standard exception offer; correct? 8· . . . MS. CONNELL:· Objection· Misstates the 9· document. 10· . . . THE WITNESS:· It's -- well, the first 11· sentence says (as read): 12· . . . "Non-standard...are those that contain a 13· . . . change in job responsibility" or "status," 14· . . . a "salary increase," a "retention bonus, 15· . . . stock options, et cetera." 16· . . . MR. FINBERG:· Q· All right· So -- 17· . . . A· So I suppose -- 18· . . . Q· A salary increase is a non-standard offer;</p>	

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<p>19· ·right?  20· ··· A· According to this document, it is putting  21· ·that in a lump of "among other things."  22· ··· Q· Right· It's one of the non-standard  23· ·offers?  24· ··· A· Yeah, it would -- I mean, it would appear  25· ·so.</p> <p><b>364</b></p> <p>1· ··· Q· Okay· And the other statement we looked  2· ·at earlier, the CEO office closely scrutinizes the  3· ·non-standard offers; right?  4· ··· A· The document states that.  5· ··· Q· Okay· Including salary increases;  6· ·correct?  7· ··· A· It's part of a non-standing (sic) -- it's  8· ·part of a non-standard offer.  9· ··· ·Typically what this is -- this is talking  10· ·about -- and it specifies often that -- or it  11· ·specifies kind of the M6 and discretionary titles of  12· ·VP and SVP.  13· ··· ·And as I -- as I spoke about, often this  14· ·non-standard piece is for top leadership at these  15· ·companies because of how critical it is to be able  16· ·to retain them at Oracle.  17· ··· ·So we generally refer to these exception  18· ·offers as "critical" or "key offers" for employees  19· ·for whom we may need to give a salary increase or  20· ·retention bonus or stock offer or title change or  21· ·status change.  22· ··· ·But it is -- it is the exception that  23· ·those -- it would be a handful of them or less even.  24· ··· ·And that -- Mark or Safra do review those  25· ·to make sure that the corporate development and HR</p> <p><b>365</b></p> <p>1· ·M and A team have agreed to who those offers should  2· ·go to.</p>	
<p><b>369:22-370:10</b></p> <p>22· ··· ·(Deposition Exhibit 60 was marked for  23· ··· ·identification.)  24· ··· ·(McKenzie Langvardt, Tess Imhof, and  25· ·Daniel Yabion enter the deposition room.)</p>	<p>Oracle objects that OFCCP has designated testimony that lacks foundation (369:22-370:05)</p>

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<p><b>370</b>  1 ····· MS. CONNELL: (Addressing the reporter)  2 · What exhibit are we on?  3 ····· THE REPORTER: Sixty.  4 ····· MS. CONNELL: Thank you.  5 ····· MR. FINBERG: Q. The court reporter has  6 · marked as –  7 ····· (Discussion off the record.)  8 ····· MR. FINBERG: Q. The court reporter has  9 · marked as Exhibit 60 a document with Bates numbers  10 · -1237 through -1240.</p>	
<p><b>376:12-377:1</b>  12 ····· (Deposition Exhibit 62 was marked for  13 ····· identification.)  14 ····· MR. FINBERG: Q. The court reporter has  15 · marked as Exhibit 62 a document with the Bates  16 · numbers -5701 through -5702.  17 ····· Do you recognize that document?  18 ····· A. Only as something that was shown to me by  19 · my counsel when we met on Wednesday.  20 ····· Q. In your prep session?  21 ····· A. Yes.  22 ····· Q. You didn't prepare this document?  23 ····· A. I did not.  24 ····· Q. And you haven't seen it in the course of  25 · your work?</p> <p><b>377</b>  1 ····· A. I have not.</p>	<p>Oracle objects that OFCCP has designated testimony that lacks foundation</p>