

**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 JUAN  
LOAIZA RULE 30(b)(6) JUNE 14,  
2019**

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

Respectfully submitted,

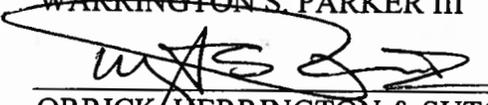
December 20, 2019

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**DEC 20 2019**

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DEPOSITION DESIGNATIONS RE THE DEPOSITION OF JUAN LOAIZA - RULE 30(B)(6) JUNE 14, 2019

CASE NO. 2017-OFC-00006

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| <p><b>16:3-12</b></p> <p>3 . . . . . What is your current position?<br/>4 . . . . A. My current position is senior vice<br/>5 . president of mission critical databases.<br/>6 . . . Q. And how long have you held that position?<br/>7 . . . A. I need to correct that. Executive vice<br/>8 . president of -- of mission critical databases.<br/>9 . . . Q. Oh, congratulations.<br/>10 . . A. That has been since around December.<br/>11 . . Q. Of 2018?<br/>12 . . A. Correct.</p>   |                  |
| <p><b>16:13-17:16</b></p> <p>13 . . Q. And what --<br/>14 . . A. Before that, I was senior vice president.<br/>15 . . Q. Okay. Again, congratulations.<br/>16 . . . . How long did you hold that senior vice<br/>17 . president position?<br/>18 . . A. I honestly don't remember.<br/>19 . . Q. Can you estimate?<br/>20 . . A. Roughly ten years.<br/>21 . . Q. That's fine. I'm just trying to get a --<br/>22 . . A. Yeah.<br/>23 . . Q. -- a feel --<br/>24 . . A. Yes.<br/>25 . . Q. -- for it. I'm not going to say, okay,</p> <p><b>17</b></p> <p>1 . it was December 31st, 2008.<br/>2 . . . . . Okay. So what is your current -- do you<br/>3 . know what a global career level is?<br/>4 . . A. Yes.<br/>5 . . Q. What is your current global career level?<br/>6 . . A. I --<br/>7 . . Q. Are you an M8?<br/>8 . . A. I think it's M8.<br/>9 . . Q. Okay.<br/>10 . . A. I think that's correct.<br/>11 . . Q. Thank you.<br/>12 . . . . And what is your current job specialty?</p> |                  |

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| 13. . .A. My job specialty is engineering of<br>14. database technologies.<br>15. . .Q. And what line of business are you in?<br>16. . .A. It's a database business.  |                  |
| <b>17:17-20</b><br><br>17. . .Q. Are you in a formal organization like<br>18. product development as a line of business?<br>19. . .A. Yes, it's -- our engineering or product<br>20. development organization. That's correct.  |                  |
| <b>26:16-21</b><br><br>16. . .Q. And is -- was your title in March 2015<br>17. senior vice president of systems technical?<br>18. . .A. Systems technology.<br>20. . .A. Again, it's technically database systems<br>21. technology.  |                  |
| <b>27:25-28:21</b><br><br>25. . .Q. And you were managing the same<br><br><b>28</b><br>1. organization when your title changed from VP to<br>2. senior VP, correct?<br>3. . . .A. Yeah, my organization did not change when<br>4. my title changed.<br>5. . . .Q. Okay. And you were doing the same thing<br>6. both when you were VP and the senior vice president,<br>7. correct?<br>8. . . .A. Yeah. On the day my -- you know, my --<br>9. my role has changed over years somewhat.<br>10. . . .Q. Okay.<br>11. . . .A. But on the day that my title changed from<br>12. VP to senior VP, my role did not change. Over that<br>13. '88 to 2000 -- whatever it was -- '15, my role has<br>14. changed.<br>15. . . .Q. Okay. And at that time did you report to<br>16. Andrew Mendelson, executive vice president of<br>17. database technology?<br>18. . . .A. Yes, I did. |                  |

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| 19. . . Q. And had you been reporting to him since<br>20. around the year 2000?<br>21. . . A. Yes, that's correct.   |                  |
| <b>28:22-29:2</b><br><br>22. . . Q. And above Mr. Mendelson was Thomas<br>23. Kurian, who was the president of product development<br>24. at that time?<br>25. . . A. I'm not a hundred percent sure his title<br><br><b>29</b><br>1. was president, but I was reporting to Thomas Kurian<br>2. at that time --  |                  |
| <b>29:3-23</b><br><br>3. . . . Q. Okay.<br>4. . . . A. -- through -- through Andrew Mendelson<br>5. through Thomas Kurian.<br>6. . . . Q. Okay. And then you started your<br>7. employment at Oracle as a member of technical staff,<br>8. correct?<br>9. . . . A. That's correct.<br>10. . . Q. Then you went to senior member of<br>11. technical staff, correct?<br>12. . . A. Yes, that's correct.<br>13. . . Q. And then you went to a manager?<br>14. . . A. Correct.<br>15. . . Q. And then you went to a director after<br>16. that, correct?<br>17. . . A. Correct.<br>18. . . Q. And you went to, then, a senior director;<br>19. is that correct?<br>20. . . A. I believe that's correct.<br>21. . . Q. And then you went to a vice president and<br>22. senior vice president, correct?<br>23. . . A. Yes, that's correct. |                  |
| <b>35:7-37:7</b><br><br>7. . . . Q. Also identifies in the document that as<br>8. of that time that you didn't do a lot of hiring; is  |                  |

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| <p>9. ·that correct?<br/>           10. · ·A. · I didn't personally do a lot of hiring.<br/>           11. · ·Q. · Okay.<br/>           12. · ·A. · The organization certainly did hiring.<br/>           13. · ·Q. · Right.<br/>           14. ·And it identifies that the -- mostly<br/>           15. ·hire -- hiring managers were the first-level<br/>           16. ·managers in your organization; those are the people<br/>           17. ·who did most of the hiring; is that correct?<br/>           18. · ·A. · Yes, that's correct.<br/>           19. · ·Q. · And then there was an approval process;<br/>           20. ·is that correct?<br/>           21. · ·A. · Yes, that's correct.<br/>           22. · ·Q. · It further states that these hiring<br/>           23. ·managers determined compensation, and then you<br/>           24. ·approved the compensation.<br/>           25. ·Was that a -- is that a correct statement</p> <p><b>36</b></p> <p>1. · · ·at the time?<br/>           2. · · ·A. · Yes, that's correct.<br/>           3. · · ·Q. · It also identified that your organization<br/>           4. ·hired a lot from the universities; is that correct,<br/>           5. ·at that time?<br/>           6. · · ·A. · Depends on what you mean by "a lot," but<br/>           7. ·we did hire from both university and -- and -- and<br/>           8. ·from industry.<br/>           9. · · ·Q. · Who set the -- the salaries for the<br/>           10. ·people who are hired from the colleges?<br/>           11. · ·A. · The college salaries were generally set<br/>           12. ·by our college recruiting department.<br/>           13. · ·Q. · Was that run by Larry Lynn and Chantal<br/>           14. ·Dhumal?<br/>           15. · ·A. · I believe so.<br/>           16. · ·Q. · And who set the compensation for those<br/>           17. ·not coming from the colleges?<br/>           18. · ·A. · That would be primarily the hiring<br/>           19. ·manager.<br/>           20. · ·Q. · And then you would review whatever<br/>           21. ·compensation he or she recommended, correct?<br/>           22. · ·A. · Yes, I would be on the approval process<br/>           23. ·for that.</p> |                  |

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| <p>24 · · · Q · And when you were on the approval<br/>25 · process, could you cause a change to the salary</p> <p><b>37</b></p> <p>1 · · recommendation?<br/>2 · · · A · As part of the approval process, I don't<br/>3 · change, but I could, you know, basically reject it<br/>4 · if I thought it was improper compensation.<br/>5 · · · Q · Okay.<br/>6 · · · A · But there's no way for me to change the<br/>7 · recommendation in the process.</p>  |                  |
| <p><b>38:24-39:11</b></p> <p>24 · · · Q · And did you also look at their current<br/>25 · compensation that they're making at another location</p> <p><b>39</b></p> <p>1 · · or another employer?<br/>2 · · · A · Current compensation was usually not part<br/>3 · of the approval process.<br/>4 · · · Q · Okay. Did you at all look at their<br/>5 · current compensation at any time?<br/>6 · · · A · It was generally not something that came<br/>7 · to me as part of the approval process. I wouldn't<br/>8 · have looked at it. The approval process generally<br/>9 · did not. Sometimes it did, sometimes it might, but<br/>10 · it was generally not in the -- in the approval<br/>11 · process. It's not shown in the approval process.</p> |                  |
| <p><b>77:1-10</b></p> <p>1 · · Now, I think earlier in the testimony,<br/>2 · you mentioned something called a hiring packet, and<br/>3 · I stated it back to you as a hiring package which<br/>4 · you said you didn't know of.<br/>5 · Do you know what information is in the<br/>6 · hiring packet?<br/>7 · · · A · Okay. I'm using that term informally,<br/>8 · okay -- okay, not -- that's not a formal term, just<br/>9 · to be clear.<br/>10 · · Q · Okay.</p>  |                  |

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| <p>77:11-86:22</p> <p>11 · · · ·A· So there's an approval process. And as<br/>12 · part of the approval process, there is certain<br/>13 · information that's in there.<br/>14 · · · ·Q· Okay.<br/>15 · · · ·A· I'm in -- informally referring to that<br/>16 · as a hiring package or packet, but it's not a formal<br/>17 · term.<br/>18 · · · ·Q· And is this approval process, is this<br/>19 · through e-mails? Is this through the iRecruitment<br/>20 · system itself?<br/>21 · · · · · Do you know?<br/>22 · · · ·A· It's neither of those. There's a<br/>23 · separate -- we call a work flow system in our<br/>24 · company that -- that we use.<br/>25 · · · ·Q· Okay. Now, if you can look at the</p>  |                  |
| <p>78</p> <p>1 · document that's been marked as Exhibit 79 that's to<br/>2 · your right there that you just picked up.<br/>3 · · · · · Probably you have not seen this exact<br/>4 · document before with this exact person's name on it,<br/>5 · but I want to ask you if you have seen this document<br/>6 · generally. The document is titled "Candidate<br/>7 · Details." It's from the iRecruitment state system.<br/>8 · It has Bates stamp Nos. DOL 1658 to 1661.<br/>9 · · · · · Have you seen this -- a document like<br/>10 · this before?<br/>11 · · · ·A· I've seen a document -- "document" is a<br/>12 · interesting term.<br/>13 · · · · · I've seen a -- something that looks<br/>14 · similar to this, because what we use is not actually<br/>15 · a document. It's a work flow system.<br/>16 · · · ·Q· It's a computer system?<br/>17 · · · ·A· Yeah, it's a computer system. So I've<br/>18 · seen something similar to this before, yes.<br/>19 · · · ·Q· Okay. And so I'm just going to ask you<br/>20 · about the information that's included on this<br/>21 · document and if it's the -- the type of information<br/>22 · that you would see.<br/>23 · · · · · And so I'm going to be focusing you where</p> |                  |

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| <p>24. ·it says “Basic Offer Details” which is about<br/>25. ·half- -- a little more than halfway down on the</p> <p><b>79</b></p> <p>1. ·first page at Bates stamp No. 31658.<br/>2. ····· Do you see that?<br/>3. ···A.· Yes, I do.<br/>4. ···Q.· Okay. So it gives a vacancy number, so I<br/>5. ·guess that would be the -- the requisition number of<br/>6. ·the position that’s available to be filled?<br/>7. ····· Do you see that?<br/>8. ···A.· Yes, I see that.<br/>9. ···Q.· Okay. And then it gives --<br/>10. ····· MR. SHWARTS: He’s asked do you know if<br/>11. ·that’s true or not? I know you see it. He asked<br/>12. ·you a question. Is that what that is?<br/>13. ····· THE WITNESS: Okay.<br/>14. ·BY MR. GARCIA:<br/>15. ···Q.· So when you reviewed -- because you’re<br/>16. ·saying you’re looking like at a computer screen,<br/>17. ·right?<br/>18. ···A.· Yes, that’s right.<br/>19. ···Q.· And so is the information about the<br/>20. ·vacancy number on the computer screen that you look<br/>21. ·at?<br/>22. ···A.· Probably. It’s not something I<br/>23. ·specifically look for.<br/>24. ···Q.· Understand.<br/>25. ····· Then it says -- says “Job,” and then it</p> |                  |
| <p><b>80</b></p> <p>1. ·gives a five digit number, “10540.”<br/>2. ····· Do you see that?<br/>3. ···A.· Yes, I do.<br/>4. ···Q.· Do you know what that number is?<br/>5. ···A.· That’s a job code for the proposed<br/>6. ·position for that candidate.<br/>7. ···Q.· So that would be a job code number for a<br/>8. ·title of Software Developer 4?<br/>9. ····· MR. SHWARTS: Objection. Calls for<br/>10. ·speculation. Answer if you know.<br/>11. ····· THE WITNESS: Software Developer 4 is not</p>   |                  |

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| <p>12. · a term that we use in my organization.<br/>           13. · BY MR. GARCIA:<br/>           14. · · · Q. · Okay.<br/>           15. · · · A. · So...<br/>           16. · · · Q. · It says “IC4” too. Do you know what<br/>           17. · “IC4” --<br/>           18. · · · A. · Yeah. “IC” stands for individual<br/>           19. · contributor.<br/>           20. · · · Q. · And then the “4” would be the level,<br/>           21. · right?<br/>           22. · · · A. · That’s correct.<br/>           23. · · · Q. · And it says “Grade.” Do you -- would you<br/>           24. · say a grade when you’re reviewing on the computer<br/>           25. · screen?</p>  |                  |
| <p><b>81</b><br/>           1. · · · A. · Probably.<br/>           2. · · · Q. · Do you know what “Grade” refers to?<br/>           3. · · · A. · Not really.<br/>           4. · · · Q. · Do you know if it’s the salary grade?<br/>           5. · · · A. · I don’t know what the grade is.<br/>           6. · · · Q. · Okay. Very good.<br/>           7. · · · A. · Okay.<br/>           8. · · · Q. · Then down below it says “Discretionary<br/>           9. · Job Title”?<br/>           10. · · · A. · Discretionary --<br/>           11. · · · Q. · Almost at the bottom of the page in that<br/>           12. · same column.<br/>           13. · · · A. · Discretionary Job Title, yes.<br/>           14. · · · Q. · Okay. And as -- would you see -- would<br/>           15. · you look at the job title?<br/>           16. · · · A. · I generally don’t look at it because it’s<br/>           17. · not really terribly relevant.<br/>           18. · · · Q. · Okay.<br/>           19. · · · A. · It’s very standardized.<br/>           20. · · · Q. · Let’s go to the next page, Bates stamp<br/>           21. · No. 31659. I want you to go to the -- there are two<br/>           22. · columns at the top of the page. I want you to go to<br/>           23. · the right side.<br/>           24. · · · · · Do you see where it says “Candidate’s<br/>           25. · Current Job Title,” it says “Senior Java Developer”?</p> |                  |

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| <p><b>82</b></p> <p>1 . . . A. Yes.</p> <p>2 . . . Q. Would that be in what you would see?</p> <p>3 . . . A. Probably.</p> <p>4 . . . Q. And then underneath that, it says</p> <p>5 . “Current Salary/ATV.” In this case, it’s 110,000</p> <p>6 . plus 20 percent bonus.</p> <p>7 . . . . . Would that be in something that you would</p> <p>8 . see?</p> <p>9 . . . A. It could be.</p> <p>10 . . . Q. Okay. And then “Salary Information,”</p> <p>11 . that would be what Oracle was proposing, correct?</p> <p>12 . . . A. Correct.</p> <p>13 . . . Q. I’m going to now ask you to turn to</p> <p>14 . the -- to the next page, Bates stamp No. 31660.</p> <p>15 . . . A. This page?</p> <p>16 . . . . . MR. SHWARTS: The next page, yeah.</p> <p>17 . BY MR. GARCIA:</p> <p>18 . . . Q. Yes, yes.</p> <p>19 . . . A. Okay.</p> <p>20 . . . Q. Do you see where it says “Approval</p> <p>21 . History”?</p> <p>22 . . . A. Yes.</p> <p>23 . . . Q. And then it states all the people who has</p> <p>24 . approved it, correct?</p> <p>25 . . . A. “BGCHECK, HROFFERS.”</p> <p><b>83</b></p> <p>1 . . . . . I believe that’s correct.</p> <p>2 . . . Q. Okay. Do you recognize any of those</p> <p>3 . names?</p> <p>4 . . . A. I do recognize some.</p> <p>5 . . . Q. Who do you recognize?</p> <p>6 . . . A. I recognize Eleanor Meritt, Thomas</p> <p>7 . Kurian, Lawrence Ellison.</p> <p>8 . . . Q. Okay. And also on this list of</p> <p>9 . approvers, both at line Nos. 1 and 10, it -- or line</p> <p>10 . No. 1 has a background check.</p> <p>11 . . . . . So that’s what you were talking before</p> <p>12 . where you said before it even gets to you, the</p> <p>13 . background check would have to approve it, correct?</p> <p>14 . . . A. I didn’t say it had to be. I said it</p> |                  |

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| 15· ·usually was.<br>16· ··Q· ·Okay. Any time that you know where it<br>17· ·wasn't?<br>18· ··A· ·Yes. There were cases where if we were<br>19· ·in a -- a -- I would say time pressure, we might do<br>20· ·the background check in parallel to the approval<br>21· ·process.<br>22· ··Q· ·Okay.<br>23· ··A· ·So -- so the background check might not<br>24· ·have completed before I approved it.<br>25· ··Q· ·How often was that done?  |                  |
| <b>84</b>  |                  |
| 1· ··A· ·It depended on whether the candidate had<br>2· ·a -- had a offer to reply to in a very short time<br>3· ·frame.<br>4· ··Q· ·So if you can give a percentage of a<br>5· ·hundred percent of the total ones that you were<br>6· ·involved in the approval process, can you estimate<br>7· ·how much percentage: 5 percent, 10, 50, 75? I'm<br>8· ·just trying to get a gauge. Was it frequently?<br>9· ·Seldom?<br>10· ··A· ·I would say seldom.<br>11· ··Q· ·Okay. Thank you.<br>12· ·· · · · · · Now I'm going to ask you to go down a<br>13· ·little below that. See where it says "Sequence<br>14· ·Number"?<br>15· ··A· ·Sequence Number? Okay, it's this one.<br>16· ·Okay.<br>17· ··Q· ·Okay. And so it lists the -- the name of<br>18· ·the approval which matches to Item No. 9.<br>19· ·· · · · · · Do you see Lilly [sic] --<br>20· ··A· ·Yes, right.<br>21· ··Q· ·-- above it.<br>22· ·· · · · · · And then there's a "Comment" section<br>23· ·where it appears to provide the justification for<br>24· ·hiring of that person.<br>25· ·· · · · · · Was that usually done in the Comment |                  |
| <b>85</b>  |                  |
| 1· ·section; the hiring manager would put in<br>2· ·justification so the approvers can see it?   |                  |

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| <p>3. . . .A. Yes, that's common.<br/>           4. . . .Q. Okay. And would it be common in that<br/>           5. justification, if the current salary of the person<br/>           6. was known, it was included in those comments as<br/>           7. well?<br/>           8. . . .A. Could be.<br/>           9. . . .Q. I understand that it could be.<br/>           10. . . .A. Yeah.<br/>           11. . . .Q. I'm just trying to understand what's<br/>           12. Oracle's practice.<br/>           13. . . . . If Oracle knew the current salary of the<br/>           14. person in -- for a hire in your organization, would<br/>           15. it be the process to include that?<br/>           16. . . .A. I --<br/>           17. . . . . MR. SHWARTS: Objection. Overbroad.<br/>           18. . . . . You may answer.<br/>           19. . . . . THE WITNESS: It's not part of the<br/>           20. process. The -- the hiring manager might write it<br/>           21. in there, but it isn't -- but it's not part of the<br/>           22. process to put it in the comment section.<br/>           23. BY MR. GARCIA:<br/>           24. . . .Q. Was it frequently in the comment sections<br/>           25. of the approvals that you reviewed?</p> |                  |
| <p><b>86</b><br/>           1. . . .A. I wouldn't say it's frequent, but I<br/>           2. honestly -- you know, depends on -- I don't know. I<br/>           3. don't know if it's frequent. I wouldn't say it's<br/>           4. frequent. I wouldn't say -- it's something that may<br/>           5. or may not be in there.<br/>           6. . . .Q. Okay. And you're -- and -- and you're<br/>           7. unable to tell the level of frequency whether it was<br/>           8. in there or not.<br/>           9. . . .A. That's correct.<br/>           10. . . .Q. Is that a correct understanding?<br/>           11. . . .A. That's correct.<br/>           12. . . .Q. Okay. Again, please let me finish even<br/>           13. though you know what I'm asking.<br/>           14. . . .A. Sorry.<br/>           15. . . .Q. That's okay.<br/>           16. . . . . Did you ever make comments in the comment<br/>           17. section?</p>  |                  |

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| <p>18. . . .A. Yes, I have made comments in the comment<br/>19. section.<br/>20. . . .Q. Would you make comments if you rejected a<br/>21. person?<br/>22. . . .A. I could.</p>  |                  |
| <p><b>86:23-87:12</b></p> <p>23. . . .Q. What situations would frequently cause<br/>24. you to make comments in the comment section?<br/>25. . . .A. I generally would make a comment if I had</p> <p><b>87</b></p> <p>1. . . some -- you know, only for high-level hires that I<br/>2. had some involvement in. So someone might be a VP<br/>3. or something that I might have some involvement in,<br/>4. I might put a comment in there.<br/>5. . . .Q. Okay. Any other reason?<br/>6. . . .A. I might put something in there saying<br/>7. this is a crucial position that we need to fill,<br/>8. something like that.<br/>9. . . .Q. Would you ever put any comments in there<br/>10. regarding the salary, the proposed compensation?<br/>11. . . .A. I don't think so. In general, I don't<br/>12. recall ever doing that.</p> |                  |
| <p><b>87:23-90:14</b></p> <p>23. . . .Q. Did you ever provide any instructions to<br/>24. lower-level managers within your organization<br/>25. regarding a hire that related to compensation?</p> <p><b>88</b></p> <p>1. . . .A. Instructions regarding a what, a hire?<br/>2. I'm not sure what that means.<br/>3. . . .Q. Well, for example, you would say, I think<br/>4. you need to go back, this is too high of a pay, or I<br/>5. don't think we're going to get him because your<br/>6. salary is too low that we're offering.<br/>7. So have you ever provided like comments<br/>8. or instructions like those examples I just provided?<br/>9. . . .A. Yes.<br/>10. . . .Q. And which ones that I gave as an example</p>  |                  |

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| <p>11. ·did you provide for?<br/>           12. ····A. I would say I've probably done, say, hey,<br/>           13. ·probably too high a compensation or probably too low<br/>           14. ·a compensation.<br/>           15. ····Q. Okay. And how would you do that in the<br/>           16. ·process? If this was coming up to you through the<br/>           17. ·approval process and you felt that the salary being<br/>           18. ·offered was too much, would you reject that and then<br/>           19. ·have a communication with the person to lower it?<br/>           20. ····A. So what I would say is I don't recall<br/>           21. ·ever rejecting a candidate through the -- you know,<br/>           22. ·salary being too high. I wouldn't say I never did<br/>           23. ·it, but I can't recall a single incidence because<br/>           24. ·the -- generally the -- you know, what I'm looking<br/>           25. ·for is salaries that are way out of band and just</p>  |                  |
| <p><b>89</b><br/>           1. ·don't generally make it to me.<br/>           2. ····Q. Okay. So if you did provide guidance to<br/>           3. ·someone in your organization that the salary was too<br/>           4. ·high, how would you know to provide that guidance?<br/>           5. ·Did this come up to you prior to the formal approval<br/>           6. ·process?<br/>           7. ····A. If I was involved which primarily is very<br/>           8. ·senior people, then they might ask me -- you know,<br/>           9. ·they might run a potential compensation package<br/>           10. ·which includes salary and say, hey, what do you<br/>           11. ·think of this compensation package for that person,<br/>           12. ·for a senior person that I was involved personally<br/>           13. ·in hiring.<br/>           14. ····Q. Okay. So they would run -- like<br/>           15. ·informally running it by you before they formally<br/>           16. ·submitted it; is that a correct understanding?<br/>           17. ····A. If I was involved in the process, that's<br/>           18. ·correct.<br/>           19. ····Q. Thank you.<br/>           20. ·If people reject a candidate, do they<br/>           21. ·state why in the comment section?<br/>           22. ····A. People -- you're talking about an<br/>           23. ·approver rejects a candidate?<br/>           24. ····Q. Right. During the approval process, you</p> |                  |

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| <p>25. ·said a person can either approve or reject, correct?</p> <p><b>90</b></p> <p>1. ····A.· Yes.</p> <p>2. ····Q.· And so if someone rejects a candidate, do</p> <p>3. ···they provide reasons for that rejection in the</p> <p>4. ···comment section?</p> <p>5. ····A.· Sometimes.</p> <p>6. ····Q.· Is it more frequently than not that they</p> <p>7. ···do or more frequently than not that they don't do?</p> <p>8. ···Can you tell me that?</p> <p>9. ····A.· It's hard because rejections are very</p> <p>10. ·rare.</p> <p>11. ····Q Okay.</p> <p>12. ····A So like I said, I don't -- extremely rare</p> <p>13. ·to reject a candidate in -- in this -- in the</p> <p>14. ·approval process -- in this process.</p>  |                  |
| <p><b>105:4-23</b></p> <p>4. ······ Now, when a person moves from one</p> <p>5. ·organization to another organization, does the</p> <p>6. ·head -- his head count move too?</p> <p>7. ····A.· No.</p> <p>8. ····Q.· I'm going to ask the same question for</p> <p>9. ·salary.</p> <p>10. ······ When a person moves from one organization</p> <p>11. ·to another organization, does the salary move too?</p> <p>12. ····A.· Generally, yes. Salary is unchanged on a</p> <p>13. ·transfer in general.</p> <p>14. ····Q.· So when you say un- -- "unchanged," you</p> <p>15. ·mean there's no salary increase in general, correct?</p> <p>16. ····A.· No salary increase or decrease.</p> <p>17. ····Q.· Understand.</p> <p>18. ····A.· In general. Because there's different</p> <p>19. ·organizations. So let me say it -- let me be a</p> <p>20. ·little more precise.</p> <p>21. ······ Within development, if it's a development</p> <p>22. ·organization to development organization, there is</p> <p>23. ·very rarely any change in salary.</p> |                  |
| <p><b>112:23-114:12</b></p>   |                  |

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| 23. . . . Q. Okay. And before we talked about<br>24. rankings and ratings.<br>25. . . . . Do you recall that?   |                  |
| <b>113</b>  |                  |
| 1. . . . A. Yes.<br>2. . . . Q. So what point scale is the ratings on?<br>3. One to ten? One to five? One to seven? What?<br>4. . . . A. Ratings, I believe, is one to five.<br>5. . . . Q. One being lowest or highest?<br>6. . . . A. One is lowest.<br>7. . . . Q. Five being the highest, right?<br>8. . . . A. That's correct.<br>9. . . . Q. Okay. And then after a person's assigned<br>10. a rating, they're ranked, correct?<br>11. . . . A. We generally rank most but not all the<br>12. employees, yes.<br>13. . . . Q. Okay.<br>14. . . . A. I wouldn't say it's after. It's<br>15. during -- it's in the same process, yes.<br>16. . . . Q. Understand.<br>17. . . . . And in this process of ranking a person,<br>18. is there any justification, written justification,<br>19. as to why one person was ranked a certain way or...<br>20. . . . A. No, there is nothing. There's no written<br>21. justification.<br>22. . . . Q. Excuse me.<br>23. . . . . Is there any written justification for<br>24. why people received a certain rating?<br>25. . . . A. No, there is not. |                  |
| <b>114</b>  |                  |
| 1. . . . Q. Okay. And I apologize if I asked this<br>2. earlier and asking it again.<br>3. . . . . The ratings and the workbench com- --<br>4. it's compensation workbench. I got to write that<br>5. down to make sure I remember it.<br>6. . . . . Is that different from the ratings -- the<br>7. performance valuation?<br>8. . . . A. We don't generally do performance<br>9. evaluations.<br>10. . . . Q. Okay.   |                  |

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| 11 . . . A. Formal -- I should say formal performance<br>12 . evaluations.  |                  |
| <b>114:19-115:3</b><br><br>19 . . . Q. So what I'm trying to take into account<br>20 . is for those times that you do, are the ratings in<br>21 . the compensation workbench the same as the<br>22 . performance evaluations or are they done<br>23 . independently of that?<br>24 . . . A. We don't do performance evaluations.<br>25 . . . Q. Okay. I got the message. You don't do<br><br><b>115</b><br>1 . performance evaluations.<br>2 . . . A. Since it was something we don't do, you<br>3 . know, it's not -- you know.  |                  |
| <b>115:7-10</b><br><br>7 . . . Q. Now, when a -- and then after the person<br>8 . does the ratings, then the rankings, then they make<br>9 . a pay recommendation, correct?<br>10 . . A. It's all done as part of one process.  |                  |
| <b>115:13-24</b><br><br>13 . . Q. But the person usually does the ratings<br>14 . and the rankings in that process before they do the<br>15 . pay recommendation, or do you know?<br>16 . . A It's all in one -- it's one process that<br>17 . has all three things in it, so --<br>18 . . Q. Okay. Very good.<br>19 . . A. -- there's no -- there's no multistep<br>20 . process where first you do the ratings, first you do<br>21 . the rankings.<br>22 . . Q. I -- I understand. Thank you.<br>23 . It's -- it's like done simultaneously?<br>24 . . A. Yeah, roughly simultaneously. |                  |
| <b>118:6-119:2</b><br><br>6 . . . . . Now, once a manager makes his<br>7 . recommendation in compensation workbench, can then   |                  |

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| <p>8. he tell the empl- -- is he allowed to and tell the<br/>           9. employees what he's recommended for their pay in<br/>           10. your organization?<br/>           11. . . .A. He's not allowed to tell the employees<br/>           12. what's been recommended until it's been completely<br/>           13. approved.<br/>           14. . . .Q. And when you say "completely approved,"<br/>           15. approved -- who is the last level of that approve --<br/>           16. approval process?<br/>           17. . . .A. I don't know. But when we get a message<br/>           18. saying that we -- everything has been approved,<br/>           19. that's when a man- -- that's when the manager can --<br/>           20. . . .Q. Okay. And the message says everything's<br/>           21. been approved, or does it tell you who -- who<br/>           22. approved it?<br/>           23. . . .A. Doesn't say who approved -- general --<br/>           24. depends. But in general, we get a message saying<br/>           25. the -- the budget -- or the recommendations have</p> <p><b>119</b><br/>           1. been approved and you can now communicate the -- the<br/>           2. compensation information.</p> |                  |
| <p><b>119:3-120:16</b></p> <p>3. . . .Q. So is Larry Ellison in your chain of<br/>           4. command?<br/>           5. . . .A. Yes, he is.<br/>           6. . . .Q. Okay. Have you ever received any message<br/>           7. on the computer screen -- and Larry Ellison's --<br/>           8. strike that. Let me start over.<br/>           9. . . . . Larry Ellison's initials are LJE,<br/>           10. correct?<br/>           11. . . .A. Yes, that's correct.<br/>           12. . . .Q. Have you ever seen a message on the<br/>           13. computer screen saying that LJE has approved?<br/>           14. . . .A. I'm not sure whether it precisely says<br/>           15. LJE but...<br/>           16. . . .Q. Or approved by LJE?<br/>           17. . . .A. LJE? Generally it will say Larry<br/>           18. Ellison, let me put it that way.<br/>           19. . . .Q. Okay. So the computer screen will inform</p>   |                  |

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| <p>20. you that Larry Ellison has approved it, correct?<br/>                 21. . . . A. If he's -- if -- yeah, if it's an<br/>                 22. approval process.<br/>                 23. . . . Q. Okay.<br/>                 24. . . . A. Whether it says LJE or Larry Ellison,<br/>                 25. generally it will say Larry Ellison not LJE.</p> <p><b>120</b></p> <p>1. . . . Q. Okay. I was trying to find out if his<br/>                 2. name, whether it's initials or --<br/>                 3. . . . A. Yeah.<br/>                 4. . . . Q. -- his actual name was communicated.<br/>                 5. . . . A. Yeah.<br/>                 6. . . . Q. And what I understand you to say is, the<br/>                 7. approval process will indicate that Larry Ellison<br/>                 8. has approved it; you're just unsure of the exact<br/>                 9. format of that, correct?<br/>                 10. . . . MR. SHWARTS: Where he's in the approval<br/>                 11. process, is what he testified to.<br/>                 12. . . . You may answer.<br/>                 13. . . . THE WITNESS: Yeah. Where he's in the<br/>                 14. approval process, it will say he approved.<br/>                 15. Generally at the -- from my recollection, it doesn't<br/>                 16. normally say LJE. It normally says Larry Ellison.</p> |                  |
| <p><b>145:9-22</b></p> <p>9. . . . Q. Do you remember at any time during the<br/>                 10. focal reviews whether you ever looked at a person's<br/>                 11. gender?<br/>                 12. . . . A. I don't think it's even in there to look<br/>                 13. at.<br/>                 14. . . . Q. Even if it's not in there to look at<br/>                 15. during the focal reviews that you were part of the<br/>                 16. approval process on, did you ever consider a<br/>                 17. person's gender?<br/>                 18. . . . A. No.<br/>                 19. . . . Q. During the focal reviews that you were a<br/>                 20. process of -- or participated in, did you ever look<br/>                 21. at a person's race?<br/>                 22. . . . A. No.</p>  |                  |

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| <p><b>160:23-162:11</b></p> <p>23· . . . . Now, a manager at Oracle can see all the<br/>24· pay information of everyone below that manager,<br/>25· right?</p> <p><b>161</b></p> <p>1· . . . A· Correct.<br/>2· . . . Q· And that would include -- or strike that.<br/>3· . . . . But a manager at Oracle would not be able<br/>4· to see the pay information of any of their peers,<br/>5· correct?<br/>6· . . . A· Correct.<br/>7· . . . Q· Or any of the direct report of their<br/>8· peers, correct?<br/>9· . . . A· Okay. You're talking about Oracle?<br/>10· . . . Q· Talking -- okay.<br/>11· . . . . So I'm talking about Manager A --<br/>12· . . . A· Yes.<br/>13· . . . Q· -- has -- has direct reports of B and C.<br/>14· . . . A· Right.<br/>15· . . . Q· And Manager D has direct reports --<br/>16· . . . A· Yeah.<br/>17· . . . Q· -- of E and F.<br/>18· . . . A· Right.<br/>19· . . . Q· Manager A cannot see the pay of E and F,<br/>20· right?<br/>21· . . . A· Okay. So what I would say, to be<br/>22· precise, is within our development organization,<br/>23· that's true. It may be possible that a human<br/>24· resource person might be able to see salaries that<br/>25· are not for a person that directly reports to them</p> |                  |
| <p><b>162</b></p> <p>1· in human resources.<br/>2· . . . Q· Thank -- thank you for that<br/>3· clarification.<br/>4· . . . A· Yeah.<br/>5· . . . Q· So a manager cannot see any pay of anyone<br/>6· who is not -- in a product development<br/>7· organization --<br/>8· . . . A· Yes.</p>   |                  |

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| 9. . . .Q. -- cannot see the pay of anyone who is<br>10. not in their direct reports or lower?<br>11. . . .A. That's correct.   |                  |
| <b>209:22-25</b><br><br>22. . . .Q. Okay. And again, race and gender were<br>23. not in any of the fields in the focal reviews that<br>24. you've ever seen, correct?<br>25. . . .A. Correct.   |                  |
| <b>217:19-219:9</b><br><br>19. . . . . Okay. So when promotions occur, is it<br>20. automatic that a person gets a pay increase at the<br>21. time a promotion occurs?<br>22. . . .A. No.<br>23. . . .Q. Is it more often than not they do or<br>24. don't?<br>25. . . . . MR. SHWARTS: Objection. Vague.<br><br><b>218</b><br>1. BY MR. GARCIA:<br>2. . . .Q. Do you know?<br>3. . . . . MR. SHWARTS: You may answer.<br>4. . . . . THE WITNESS: That has changed in the<br>5. last year.<br>6. BY MR. GARCIA:<br>7. . . .Q. Okay. So 2018 and prior, was it more<br>8. often than not that they do or more often than not<br>9. that they don't get an increase at the time --<br>10. . . .A. Very rare to get an increase.<br>11. . . . . MR. SHWARTS: Hold -- hold on.<br>12. . . . . THE REPORTER: Get an increase in? I did<br>13. not get it.<br>14. BY MR. GARCIA:<br>15. . . .Q. Okay. So let me finish the question.<br>16. . . .A. All right.<br>17. . . .Q. So 2018 and before, was it more often<br>18. than not that they did get a pay increase or more<br>19. often than not that they did not get a pay increase?<br>20. . . . . MR. SHWARTS: Objection. Vague and<br>21. ambiguous. |                  |

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| <p>22. . . . . You may answer.<br/>23. . . . . THE WITNESS: It's very rare to get a<br/>24. salary change as part of a promotion prior to 2018.<br/>25. BY MR. GARCIA:</p> <p><b>219</b></p> <p>1. . . . Q. Okay. And what changed after 2018?<br/>2. . . . A. It became a practice to do that.<br/>3. . . . Q. A practice to give a salary increase when<br/>4. a promotion occurred?<br/>5. . . . A. Let me -- let me just rephrase. It was a<br/>6. policy not to do that previously.<br/>7. . . . Q. Okay. And after 2018 --<br/>8. . . . A. It's no longer a policy not to do that,<br/>9. so some do, some don't.</p>  |                  |
| <p><b>273:10-275:4</b></p> <p>10. . . . Q. Okay. So you said that you don't look at<br/>11. compa- -- compa-ratio.<br/>12. . . . A. Right.<br/>13. . . . Q. It's not important to you, right?<br/>14. . . . A. Right.<br/>15. . . . Q. And you said you don't look at quartiles,<br/>16. and you don't even look at if a person is below the<br/>17. minimum range of a salary range, correct?<br/>18. . . . A. Correct.<br/>19. . . . Q. So my question to you is, how does this<br/>20. person's pay ever get changed so that they're at<br/>21. least making the minimum for the salary range if<br/>22. their compa-ratio, their quartile and their place in<br/>23. the salary range is never looked at?<br/>24. . . . . Do you have any idea?<br/>25. . . . . MR. SHWARTS: Objection. Lack of</p> <p><b>274</b></p> <p>1. foundation. Improper hypothetical.<br/>2. . . . . You may answer.<br/>3. . . . . THE WITNESS: So what we look at is the<br/>4. individual, their skills, their performance, their<br/>5. experience and their market. And those are the<br/>6. things that we look at.</p> |                  |

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| <p>7. . . . . And so we also have to look at our<br/> 8. budgets because we have a certain amount of budget.<br/> 9. . . .Q. And --<br/> 10. . . .A. A budget generally does not allow for,<br/> 11. you know, moving everyone to whatever value we might<br/> 12. want. We have a certain amount of money that we can<br/> 13. give out, and that's all the money we can give out.<br/> 14. . . . . There's also another factor which is that<br/> 15. budget has to be spread among a number of employees.<br/> 16. So we prioritize the ones that are the most --<br/> 17. performing the highest and are most important to the<br/> 18. organization to get them closer to what we believe<br/> 19. their market salary is.<br/> 20. . . . . Now, nothing in there said anything about<br/> 21. a compa-ratio or whatever because that's -- that's a<br/> 22. very broad average. It's kind of like averaging<br/> 23. human beings into four buckets or something.<br/> 24. There's a lot more nuance when we're looking at a<br/> 25. person than, hey, you're in this -- one of these</p> <p><b>275</b></p> <p>1. four, five buckets and that's all we're going to<br/> 2. look at for you.<br/> 3. . . . . We're looking at way more nuance than<br/> 4. that.</p> |                  |
| <p><b>277:12-280:14</b></p> <p>12. . . . . During the time in your organization, has<br/> 13. there ever been an out-of-cycle increase because<br/> 14. someone complained about their pay or threatened to<br/> 15. leave the company or had a competing job offer?<br/> 16. . . .A. Yes.<br/> 17. . . .Q. Okay. Was additional money provided to<br/> 18. that person because of those events?<br/> 19. . . .A. Sometimes.<br/> 20. . . .Q. So where did that money come from that<br/> 21. was provided because of those events?<br/> 22. . . .A. Came from Oracle Corporation.<br/> 23. . . .Q. Doesn't all money come from the Oracle<br/> 24. Corporation?</p>   |                  |

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| 25 . . . A. Yes.<br><br>278<br>1 . . . Q. So -- okay. So your budget -- your<br>2 . budget to pay this person more money was increased,<br>3 . correct?<br>4 . . . A. No, my budget was not increased,<br>5 . actually. My budget was my budget that was given to<br>6 . me, and that became some out-of-cycle thing that<br>7 . came from somewhere.<br>8 . . . Q. Okay. So was this additional money that<br>9 . was -- so you're saying your organization as a<br>10 . result of an out-of-cycle increase never received<br>11 . any more money or additional money to your budget,<br>12 . correct?<br>13 . . . A. What I'm saying is the budget is for<br>14 . raises, bonuses, all that kind of stuff. Anything<br>15 . that's out of cycle there's not a specific budget<br>16 . for.<br>17 . . . Q. Okay. So Oracle has cost centers, right?<br>18 . . . A. Yes.<br>19 . . . Q. And the people in your cost -- and the<br>20 . people who are under you who are paid are paid out<br>21 . of your cost center, correct?<br>22 . . . A. Not that simple. There's a lot of cost<br>23 . centers under me.<br>24 . . . Q. There's a lot of cost centers --<br>25 . . . A. Yes. |                  |
| 279<br>1 . . . Q. -- under you, right?<br>2 . . . A. Yes.<br>3 . . . Q. But they all roll up to you, correct?<br>4 . . . A. Probably. Probably.<br>5 . . . Q. Okay. So what I'm trying to see is --<br>6 . . . A. Yeah, yeah.<br>7 . . . Q. -- what call center does --<br>8 . . . A. [Inaudible mumbling.]<br>9 . . . Q. -- does the additional money pay that a<br>10 . person was given because of an off-cycle increase?<br>11 . . . A. Yeah. So in my particular case, I'm<br>12 . giving a head count to a number of people. I'm  |                  |

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| <p>13· giving a salary raise budget, a bonus budget and a<br/>14· stock budget. I'm not given a dollar budget for my<br/>15· organization. I'm giving a head count and then<br/>16· increase amounts during those focal processes.<br/>17· . . . Q· Right. So what I'm trying to understand<br/>18· is this. A person in your organization because of<br/>19· the events we talked about, whether to prevent them<br/>20· from leaving --<br/>21· . . . A· Yes.<br/>22· . . . Q· -- is given more money.<br/>23· . . . A· Yes.<br/>24· . . . Q· And I'm trying to -- I'm trying to find<br/>25· where that money came from.</p> <p><b>280</b><br/>1· . . . A· Yes.<br/>2· . . . Q· Can you tell me?<br/>3· . . . A· No. I have a head count budget. I don't<br/>4· have a dollar budget for the -- for the people. As<br/>5· I say, you can have 200 and whatever people. It<br/>6· doesn't say and the dollar amount is X.<br/>7· . . . Q· So what I'm hearing you saying is<br/>8· somewhere in Oracle beyond you --<br/>9· . . . A· Yes.<br/>10· . . . Q· -- is funding the additional in- -- pay<br/>11· salary increase for the person who was paid more<br/>12· money so they would not leave Oracle.<br/>13· . . . . Is that a correct understanding?<br/>14· . . . A· That's correct.</p> |                  |
| <p><b>281:16-21</b></p> <p>16· . . . . Was HR involved in your out-of-cycle<br/>17· increases in your organization?<br/>18· . . . A· Yes.<br/>19· . . . Q· And do they have to give any type of<br/>20· approval?<br/>21· . . . A· Yes, they do.</p>  |                  |
| <p><b>283:6-285:11</b></p> <p>6· . . . Q· Now, I'm interested in the -- in the term<br/>7· "salary compression."</p>  |                  |

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| <p>8. . . . . Is that a term used at Oracle?<br/>9. . . . . MR. SHWARTS: Objection. Overbroad.<br/>10. . . . . You may answer.<br/>11. . . . . THE WITNESS: I've heard that term used.<br/>12. ·BY MR. GARCIA:<br/>13. ··Q· What was your understanding of that term<br/>14. ·to mean?<br/>15. ··A· Salary compression generally means that<br/>16. ·we feel that the person is underpaid relative to<br/>17. ·market.<br/>18. ··Q· Do you feel that's the situation with<br/>19. ·anyone in your organization?<br/>20. ··A· At any given time we will have some<br/>21. ·individuals we feel are underpaid and some we don't.<br/>22. ··Q· Understand.<br/>23. . . . . And is there a limiting factor for people<br/>24. ·who you believe who are underpaid to get properly<br/>25. ·compensated?</p>  |                  |
| <p><b>284</b><br/>1. . . .A· The budget.<br/>2. . . .Q· And by "budget" --<br/>3. . . . . (Simultaneous cross-talking.)<br/>4. . . .A· -- budget.<br/>5. . . .Q· -- you mean the budget that's allocated<br/>6. ·to you for salary increases?<br/>7. . . .A· That's correct.<br/>8. . . .Q· Is there any other reason that you would<br/>9. ·know of that would prevent you from paying people<br/>10. ·what you think they should be paid according to the<br/>11. ·market rate?<br/>12. . . .A· Well, with unlimited budget, I'm sure we<br/>13. ·would pay everyone to whatever we believe the market<br/>14. ·rate is. So...<br/>15. . . .Q· I -- I understand that.<br/>16. . . . . What I'm trying to find out, is there any<br/>17. ·other reason other than the budget that limits you<br/>18. ·to pay someone according to what you believe that<br/>19. ·market rate is?<br/>20. . . .A· Like I said, if we had all the budget in<br/>21. ·the world, we would pay everyone at least what we<br/>22. ·consider the market rate is, so that would...</p> |                  |

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| <p>23. . . .Q. Okay. In your organization, do you also<br/>24. face the prospect of robbing Peter to reward or pay<br/>25. Paul situation where you have to make the choice of</p> <p><b>285</b></p> <p>1. which individual is going to get a salary increase?<br/>2. . . . . MR. SHWARTS: Objection. Lack of<br/>3. foundation.<br/>4. . . . . You may answer.<br/>5. . . . . THE WITNESS: We have a raise budget, and<br/>6. that budget is what we get to give out.<br/>7. BY MR. GARCIA:<br/>8. . . .Q. Okay.<br/>9. . . .A. So every dollar I give to one person is a<br/>10. dollar that everybody else in the organization is<br/>11. not getting.</p>   |                  |
| <p><b>285:12-288:4</b></p> <p>12. . . .Q. Okay. So before when we talked about who<br/>13. that you would make increases to, you identify the<br/>14. importance to Oracle of rewarding star performers<br/>15. and giving them pay commensurate with the market<br/>16. rate.<br/>17. . . . . I -- did I understand that correctly?<br/>18. . . .A. Yes, that's one of the factors --<br/>19. . . .Q. Okay.<br/>20. . . .A. -- important factors we look at.<br/>21. . . .Q. Is that your first priority is to reward<br/>22. the -- the star performers to make sure they get<br/>23. commensurate with the market rate?<br/>24. . . .A. Is that the first priority?<br/>25. . . .Q. Is that the highest priority?</p> <p><b>286</b></p> <p>1. . . .A. Yeah, I think probably, yeah, we need to<br/>2. talk about -- make sure that our star performers are<br/>3. paid, you know, relative to market so that they're<br/>4. not looking to leave Oracle for compensation<br/>5. reasons.<br/>6. . . .Q. I understand why you would feel that way.<br/>7. . . . . So my next question is, okay, after you</p> |                  |

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| <p>8· got those people satisfied, that you feel that your<br/>9· star performers are being paid according to the<br/>10· market rate, who do you look next to pay?<br/>11· . . . . MR. SHWARTS: Objection. Assumes facts.<br/>12· . . . . You may answer.<br/>13· . . . . THE WITNESS: We look at the ratings and<br/>14· rankings, and based on that, we prioritize how much<br/>15· raise someone should get.<br/>16· BY MR. GARCIA:<br/>17· . . . Q. Okay. So it's the star performers. And<br/>18· then after they're take -- do you first -- let me<br/>19· ask this.<br/>20· . . . . Do you first satisfy what you believe the<br/>21· star performers should get, and then if there's<br/>22· money left over, then allocate that to the other<br/>23· people who are higher in the rankings?<br/>24· . . . A. Just be careful that the -- the star<br/>25· performers are not always satisfied either. I mean,</p>   |                  |
| <p><b>287</b></p>  |                  |
| <p>1· there's a certain budget, and that budget, we try to<br/>2· balance the top, the middle, the bottom with<br/>3· emphasis on the top. But it doesn't go all to the<br/>4· top and anything left next to this or anything<br/>5· else --<br/>6· . . . Q. That's what I was trying to determine --<br/>7· . . . A. Yeah.<br/>8· . . . Q. -- is, if -- do I satisfy the top, and<br/>9· then --<br/>10· . . . A. A hundred percent? No, we don't<br/>11· necessarily satisfy the top 100 percent before<br/>12· moving them.<br/>13· . . . Q. That's what I was trying to figure out.<br/>14· Thank you.<br/>15· . . . . So is your priority, then, to make sure<br/>16· that the top performers are satisfied but also<br/>17· provide some money to people lower levels in the<br/>18· ranking?<br/>19· . . . A. Right. So the amount that we would try<br/>20· depends on, you know, their -- their level of rating<br/>21· and ranking, yes.<br/>22· . . . Q. And the level of compensation you have</p> |                  |

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| <p>23· ·available?<br/>24· ··A· Yeah, the level budget we have available.<br/>25· ··Q· Right.</p> <p><b>288</b><br/>1· ··A· What we believe their -- their salary<br/>2· ·compares to market salary. Notice, I didn't say<br/>3· ·compa-ratio or anything else. It's how it compares<br/>4· ·to market salary.</p>  |                  |
| <p><b>288:8-289:1</b></p> <p>8· ·· ·· · When I look at Exhibit 87, it's<br/>9· ·identifying that John Heimann is a very -- to me,<br/>10· ·what I would call a star performer and he needs to<br/>11· ·be. And Oracle did not have the budget during the<br/>12· ·focal process to reward him in pay. But then during<br/>13· ·the off-cycle salary adjustment, it gave him a<br/>14· ·significant pay raise of 25 percent. And when I do<br/>15· ·the math, that's like over \$40,000.<br/>16· ·· ·· So that's what I'm trying to figure out<br/>17· ·is, where did this money come from that it didn't<br/>18· ·have during the focal -- and I know why because it<br/>19· ·wasn't in the budget that was allocated. But where<br/>20· ·did this pot of money come from that can suddenly<br/>21· ·pay a person a raise of 25 percent of 41 to \$42,000?<br/>22· ·· ·· MR. SHWARTS: Objection. Lack of<br/>23· ·foundation.<br/>24· ·BY MR. GARCIA:<br/>25· ··Q· Do you -- do you know?</p> <p><b>289</b><br/>1· ··A· I do not know where that money came from.</p> |                  |
| <p><b>289:11-22</b></p> <p>11· ·· ·· In your organization, when you had to<br/>12· ·make out-of-cycle raises, who was the final<br/>13· ·approver?<br/>14· ·· ·· MR. SHWARTS: Objection. Overbroad.<br/>15· ·· ·· You may answer.<br/>16· ·BY MR. GARCIA:<br/>17· ··Q· I'm talking about the six years.</p>   |                  |

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| <p>18. . . .A. Yeah. The final approver, I believe,<br/>19. was -- goes through -- all the way up our hierarchy<br/>20. through Thomas, Andy Mendelson, and then there's<br/>21. something called court comp which also has to<br/>22. approve, is the final approver.</p>   |                  |
| <p><b>290:3-12</b></p> <p>3. . . . . Let me ask this question. Is there a<br/>4. particular name that's given when you're trying to<br/>5. prevent somebody from leaving the company to give --<br/>6. to go to a competitor?<br/>7. . . .A. I'm sorry, a particular name?<br/>8. . . .Q. Yeah, a particular reference to a term<br/>9. that Oracle uses to try to keep a person in Oracle<br/>10. and not go to a competitor.<br/>11. . . .A. It's sometimes referred to as a dive and<br/>12. save.</p>  |                  |
| <p><b>293:13-294:13</b></p> <p>13. . . .Q. So I -- okay. So I'm going to exclude<br/>14. the last year.<br/>15. . . .A. Okay.<br/>16. . . .Q. So I'm going to go when you were senior<br/>17. vice president --<br/>18. . . .A. Yes.<br/>19. . . .Q. -- from 2013 to when you be- -- to that<br/>20. last year, we'll say -- we'll say December 31st,<br/>21. 2017, estimate, how many off-cycle adjustments did<br/>22. you do? Estimate.<br/>23. . . .A. Estimate, I would probably do maybe --<br/>24. estimate, maybe one a month.<br/>25. . . .Q. Okay. And --</p> <p><b>294</b></p> <p>1. . . .A. Out of about that time maybe five or 600<br/>2. people.<br/>3. . . .Q. Understand.<br/>4. . . . . So let's say that you did -- so I'm<br/>5. counting five years, 12 months, 60, going from 2013<br/>6. to the end of 2017, just -- just to have a frame of<br/>7. reference, how many of those were approved?</p> |                  |

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| <p>8 . . . A. Probably most of them.<br/>9 . . . Q. Okay.<br/>10 . . . A. Yeah.<br/>11 . . . Q. Would it be fair to say like 75 percent<br/>12 . of them, at least 75 percent?<br/>13 . . . A. Probably at least 75 percent, yes.</p>  |                  |
| <p><b>305:7-306:3</b></p> <p>7 . . . Q. Do you have people in your organization<br/>8 . that you're waiting to make a correction to move<br/>9 . them to the market rate?<br/>10 . . . . MR. SHWARTS: Put the document aside. It<br/>11 . has nothing to do with the document.<br/>12 . . . . Answer the question he asked, which is<br/>13 . the only thing --<br/>14 . . . . THE WITNESS: We have people that we<br/>15 . consider below market compensation, yes.<br/>16 . BY MR. GARCIA:<br/>17 . . . Q. Can you estimate how many those people<br/>18 . are? Again, ballpark figure. Is it five? Is it a<br/>19 . thousand? Is it 200? I'm just trying to get a<br/>20 . feel, rough feel.<br/>21 . . . . MR. SHWARTS: Objection. Overbroad.<br/>22 . Vague. Ambiguous.<br/>23 . . . . THE WITNESS: At this point maybe --<br/>24 . BY MR. GARCIA:<br/>25 . . . Q. At this point in time as you just did the</p> <p><b>306</b></p> <p>1 . focal review.<br/>2 . . . A. Maybe 40 to 50 percent, somewhere in that<br/>3 . range.</p> |                  |
| <p><b>306:24-307:19</b></p> <p>24 . . . Q. Have you ever tried to ask for more<br/>25 . money?</p> <p><b>307</b></p> <p>1 . . . A. Yes, I have.<br/>2 . . . Q. And what was the response to you?<br/>3 . . . . MR. SHWARTS: Objection. Overbroad and</p>   |                  |

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| <p>4. compound.<br/>                     5. . . . . You may answer.<br/>                     6. . . . . THE WITNESS: Sometimes I have gotten<br/>                     7. more money, sometimes I haven't.<br/>                     8. BY MR. GARCIA:<br/>                     9. . . . Q. Which one is more often than not?<br/>                     10. . . . . MR. SHWARTS: Objection. Vague.<br/>                     11. . . . . You may answer.<br/>                     12. . . . . THE WITNESS: I think it's some more<br/>                     13. money is probably more common.<br/>                     14. BY MR. GARCIA:<br/>                     15. . . . Q. Okay. Do you ever get enough?<br/>                     16. . . . . MR. SHWARTS: Objection. Vague.<br/>                     17. . . . . You may answer.<br/>                     18. . . . . THE WITNESS: I would not be at 40,<br/>                     19. 50 percent below compensation if I'd gotten enough.</p>  |  |
| <p><b>308:2-313:23</b></p> <p>2. . . . . MR. GARCIA: Court Reporter, can you<br/>                     3. please mark the next document as Exhibit 90.<br/>                     4. . . . . (Exhibit 90 marked for identification.)<br/>                     5. . . . Q. So the document at Exhibit 90 concerns<br/>                     6. another salary adjustment request.<br/>                     7. . . . . MR. GARCIA: Can I see the document<br/>                     8. that's been marked?<br/>                     9. . . . . Counsel, I will represent that this<br/>                     10. document is run Bates stamp No. 433359 to 43364 -- I<br/>                     11. apologize, part of the Bates stamp number got cut<br/>                     12. off during copying.<br/>                     13. BY MR. GARCIA:<br/>                     14. . . . Q. So as before, I'm going to ask you<br/>                     15. questions about this document, about what it says,<br/>                     16. and then I'm going to apply them to your<br/>                     17. organization.<br/>                     18. . . . . Do you know a person named Heidi<br/>                     19. B-I-E-L-A-N-S-K-I?<br/>                     20. . . . A. Where is that one?<br/>                     21. . . . Q. It's in the cc in the first e-mail.<br/>                     22. . . . A. I. Yeah, I don't believe so.<br/>                     23. . . . Q. Okay. So if you look at the very top<br/>                     24. e-mail, the "To" the different people like Steve</p> | <p>Oracle Objects that OFCCP has designated testimony that lacks foundation.</p> |



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| <p>13· ring a bell of anything that your organization has<br/>14· experienced that you got people transferred to it<br/>15· that had low salaries?<br/>16· . . . A· Suggests we had poor decisions by<br/>17· managers who were losing. I’m not sure what that<br/>18· means at all.<br/>19· . . . Q· Okay. Very good.<br/>20· . . . A· I have no idea what that means.<br/>21· . . . Q· I don’t know if that was a common<br/>22· occurrence and didn’t know whether you had something<br/>23· like that.<br/>24· . . . MR. SHWARTS: Ignore his question.<br/>25· . . . THE WITNESS: I’m not even sure what it</p>   |                  |
| <b>311</b>  |                  |
| <p>1· means.<br/>2· . . . MR. SHWARTS: No question. There’s no<br/>3· question.<br/>4· . . . THE WITNESS: Yeah.<br/>5· BY MR. GARCIA:<br/>6· . . . Q· So once again, if you look on the bottom<br/>7· of the Page 433360, it says:<br/>8· . . . “Janet has been compressed for several<br/>9· . . . years now.”<br/>10· . . . And that goes back to salary compressed<br/>11· or comprehension means that managers in Oracle do<br/>12· not believe that people are -- are being paid<br/>13· according to the market, correct?<br/>14· . . . MR. SHWARTS: Ignore the document. Just<br/>15· answer his question. Object to the predicate. Lack<br/>16· of foundation of the document.<br/>17· . . . Just answer his question.<br/>18· . . . THE WITNESS: You have to repeat the<br/>19· question.<br/>20· BY MR. GARCIA:<br/>21· . . . Q· So I’m going to turn the page to the<br/>22· second page at 3660.<br/>23· . . . Do you -- are you on that page?<br/>24· . . . A· Yes.<br/>25· . . . Q· So do you see where it says “Dive and</p> |                  |
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| <p>1 · save justification,” after the numbers towards the<br/>2 · top?<br/>3 · · · · A · Yes.<br/>4 · · · · Q · Okay. So first sentence, Janet’s been --<br/>5 · quote:<br/>6 · · · · · “Janet’s been compressed for several<br/>7 · · · · · years now.”<br/>8 · · · · · So does Oracle, in addition to using the<br/>9 · term “salary compression,” also say that a person’s<br/>10 · pay has been compressed when that person’s pay is<br/>11 · below what they should be paid according to the<br/>12 · market?<br/>13 · · · · · MR. SHWARTS: Objection. Overbroad.<br/>14 · He’s not a 30(b)(6) witness. You’re asking what his<br/>15 · personal understanding is?<br/>16 · · · · · MR. GARCIA: Yes.<br/>17 · · · · · MR. SHWARTS: All right. Objection.<br/>18 · Still overbroad and lacks foundation.<br/>19 · · · · · You may answer.<br/>20 · · · · · THE WITNESS: Probably, yeah, I’m sure<br/>21 · compressed is a term that people use.<br/>22 · BY MR. GARCIA:<br/>23 · · · · Q · Okay. So then I want to go to -- see<br/>24 · where -- in that same paragraph, do you see where<br/>25 · the term -- or the word “first” is?</p> |                  |
| <p><b>313</b></p>   |                  |
| <p>1 · · · · A · Yes.<br/>2 · · · · Q · Okay. So I’m just going to read it, then<br/>3 · ask you a question.<br/>4 · · · · · “First, her lack of job hopping has<br/>5 · · · · · worked against her over the last 18<br/>6 · · · · · years.” Unquote.<br/>7 · · · · · Do you know what the term “job hopping”<br/>8 · means in that context?<br/>9 · · · · · MR. SHWARTS: Objection. Lack of<br/>10 · foundation.<br/>11 · · · · · MR. GARCIA: Let me start all over.<br/>12 · BY MR. GARCIA:<br/>13 · · · · Q · So “job hopping,” is that a term that’s<br/>14 · been used in your organization?<br/>15 · · · · A · Could be.</p>  |                  |

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| 16. . . .Q. Have you ever heard that term before?<br>17. . . .A. I've heard that term, yes.<br>18. . . .Q. And when you heard that term, what was<br>19. your understanding of the meaning of that term?<br>20. . . .A. It's changing jobs.<br>21. . . .Q. Is that changing jobs within Oracle or<br>22. changing jobs outside of Oracle?<br>23. . . .A. Could be either one.  |                  |
| <b>313:24-314:17</b><br><br>24. . . .Q. Okay. So I'm going to ask -- I'm going<br>25. to tell you what I've heard and ask you if you have<br><br><b>314</b><br>1. heard something similar to that: That if people<br>2. want to get a significant salary increase, they have<br>3. to get a job offer from another company.<br>4. . . . . Is that incorrect?<br>5. . . . . MR. SHWARTS: Just because he's said he's<br>6. heard that doesn't mean it's true.<br>7. BY MR. GARCIA:<br>8. . . .Q. Right. I'm asking you --<br>9. . . . . MR. SHWARTS: He's asking through the<br>10. back end of the question if that's --<br>11. . . . . THE WITNESS: It's false.<br>12. BY MR. GARCIA:<br>13. . . .Q. That's false.<br>14. . . . . And why do you believe that that's false?<br>15. . . .A. Because we give people significant<br>16. compensation changes all the time in the focal<br>17. process. |                  |
| <b>321:20-325:5</b><br><br>20. . . . . To your knowledge, has Oracle ever<br>21. analyzed the pay of any groups of its employees<br>22. based on gender?<br>23. . . . . MR. SHWARTS: Objection. Overbroad.<br>24. . . . . You may answer.<br>25. BY MR. GARCIA:<br><br><b>322</b>  |                  |

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| <p>1. . . .Q. I'm talking about the last six years.</p> <p>2. . . .A. I -- I haven't seen any such analysis.</p> <p>3. . . .Q. Okay. And again, I'm talking about the</p> <p>4. last six years. I will first ask you about Oracle.</p> <p>5. If you indicate yes, then I will ask you also about</p> <p>6. your -- your knowledge for your organization.</p> <p>7. . . . . Same question except I'm changing it for</p> <p>8. race. To your knowledge, within the last six years,</p> <p>9. has Oracle ever analyzed the pay of any of its group</p> <p>10. of employees based on race?</p> <p>11. . . . . MR. SHWARTS: Objection. Overbroad.</p> <p>12. . . . . You may answer.</p> <p>13. BY MR. GARCIA:</p> <p>14. . . .Q. To your knowledge.</p> <p>15. . . .A. I've never seen anything.</p> <p>16. . . .Q. Have you ever heard of anything?</p> <p>17. . . .A. No.</p> <p>18. . . .Q. Has anyone ever come to you and said,</p> <p>19. we've analyzed the pay for -- based on gender for</p> <p>20. our organization, and these are the changes that</p> <p>21. your organization should make, anytime in the last</p> <p>22. six years?</p> <p>23. . . .A. I don't recall that.</p> <p>24. . . .Q. Has anyone -- same question, flip it for</p> <p>25. race. Has anybody in the last six years come to you</p> <p><b>323</b></p> <p>1. and said we analyzed the pay of your organization</p> <p>2. based on race and we want you to make changes?</p> <p>3. . . .A. I don't recall that either.</p> <p>4. . . .Q. Okay. Now I can ask a series of</p> <p>5. questions using different terms like "audit" and</p> <p>6. "reviewed," but I'll -- if I -- if I would ask the</p> <p>7. same question with the word audit versus analyzed,</p> <p>8. would it change your answer?</p> <p>9. . . .A. No.</p> <p>10. . . .Q. Both for race and gender, right?</p> <p>11. . . .A. Correct.</p> <p>12. . . .Q. And if I use the same question and I</p> <p>13. change the word from analyze to review, both for</p> <p>14. race and gender, would it change your answer?</p> <p>15. . . .A. No.</p> |                  |

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| <p>16. . . .Q. Okay. You saved a lot of questions that<br/>17. way.<br/>18. . . . . Same set of questions. So to your<br/>19. knowledge, has Oracle ever reviewed the pay or<br/>20. audited the pay or analyzed the pay of anyone based<br/>21. on that person being of the Asian race --<br/>22. . . . . MR. SHWARTS: Objection.<br/>23. BY MR. GARCIA:<br/>24. . . .Q. -- in your organization in the last six<br/>25. years?</p>   |                  |
| <p><b>324</b><br/>1. . . . . MR. SHWARTS: Objection. Overbroad.<br/>2. . . . . You may answer.<br/>3. . . . . THE WITNESS: No.<br/>4. BY MR. GARCIA:<br/>5. . . .Q. Same --<br/>6. . . . . MR. SHWARTS: I'm sorry. You said -- you<br/>7. cured my objection in the middle of your question.<br/>8. Why don't you ask it again 'cause I didn't mean to<br/>9. interrupt you, but you said "organization," and then<br/>10. I didn't need to object.<br/>11. . . . . So go ahead.<br/>12. . . . . MR. GARCIA: Okay.<br/>13. BY MR. GARCIA:<br/>14. . . .Q. To your knowledge, has Oracle ever<br/>15. reviewed, audited or analyzed the pay for Asians of<br/>16. your organization in the last six years?<br/>17. . . .A. Not to my knowledge.<br/>18. . . .Q. Same question, I'm just going to change<br/>19. to race.<br/>20. . . . . To your knowledge, has Oracle ever<br/>21. reviewed, audited or analyzed the pay of your<br/>22. organization in the last six years for blacks?<br/>23. . . .A. Not to my knowledge.<br/>24. . . .Q. One last question. Same question, change<br/>25. to gender now.</p> |                  |
| <p><b>325</b><br/>1. . . . . In the last six years, has Oracle every<br/>2. audited, reviewed or analyzed the pay of anyone in<br/>3. your organization in the last six years based on</p>   |                  |

**DEPOSITION OF JUAN LOAIZA – RULE 30(B)(6) JUNE 14, 2019**

| Page/Line                 | Objection/Errata |
|---------------------------|------------------|
| 4. gender?                |                  |
| 5 A. Not to my knowledge. |                  |