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San Francisco, Ca

**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

**DEFENDANT ORACLE  
AMERICA, INC.'S NOTICE OF  
ERRATA RE DEPOSITION  
DESIGNATIONS**

On December 20, 2019, Defendant Oracle America, Inc. ("Oracle") filed deposition designations. Since that time, Oracle has identified a handful of minor errors in connection with its submission.

As a preliminary matter, although there were minor errors regarding the deposition videos submitted to the Court, these errors are minor. Nevertheless, for ease to the Court, Oracle resubmits these videos in their entirety with all the necessary corrections.

In addition, on December 16, 2019, OFCCP revised its deposition designations for Ms. Waggoner's July 27, 2018 Jewett deposition transcript from 326:7-348:23 to 336:7-348:23. This change was omitted from Oracle's December 17 submission. Oracle has now corrected this inadvertent error. In addition, Oracle included in its submission the following deposition testimony from Ms. Waggoner's July 19, 2019 30(b)(6) deposition, but they were not part of Oracle's designations:

**Waggoner 30(b)(6) 222:20-24**

20 Q. Okay. And would this be used for salary

21 and -- and compensation decisions?

22 MS. CONNELL: Objection. Vague. Calls

23 for speculation.

24 A. Decisions? No. It's recordkeeping.

Oracle has removed these excerpts from its submissions. Likewise, Oracle accidentally included an excerpt from the Joyce Westerdahl deposition, excerpt 75:17-22, that was not originally designated. This has been removed.

Further, Oracle accidentally omitted lines 193:1-7 from Ms. Atkins' deposition transcript.

The transcript reads as follows:

**Atkins 193:1-7**

1 A. I can't remember.

2 Q. Were you asked to prepare any in advance?

3 A. I don't remember.

4 Q. Did you come to the -- to the conciliation

5 meeting prepared to yourself impart information to

6 Oracle?

7 A. Not specifically.

Likewise, Oracle accidentally omitted lines 243:1-5 from Tamerlane Baxter's deposition transcript. The omitted lines read as follows:

**Baxter: 243:1-5**

1 business conduct you were talking about that is

2 attached to the employee handbook?

3 A. I believe so. We only have one code of

4 conduct as far as I know. This copy is really hard

5 to read. Sorry.

Finally, Oracle accidentally omitted one word in its submission of line 44:15 of Chad Kidder's deposition. The full text of line 44:15 reads as follows: "15 order to comply – in order to create a record. I'm." The word "I'm" was accidentally omitted. These inadvertent mistakes have now been corrected.

December 26, 2019

Respectfully submitted,

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2017-OFC-00006  
Revised Video



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

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

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

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| <p>11. . . . .MR. FINBERG: I don't recall that one<br/> 12. being limited, but you're free to state your<br/> 13. understanding.<br/> 14. . . . .MS. CONNELL: Well, it was limited in the<br/> 15. sense that she will testify generally regarding this<br/> 16. topic, but she can't -- she doesn't have the details<br/> 17. of it memorized.<br/> 18. . . . .MR. FINBERG: Q. No. 9:<br/> 19. . . . ."YOUR policies and practices regarding<br/> 20. . . . .COMPENSATION for employees in COVERED<br/> 21. . . . .POSITIONS in California during the CLASS<br/> 22. . . . .PERIOD, including but not limited to YOUR<br/> 23. . . . .policies and practices and criteria used<br/> 24. . . . .for determining initial COMPENSATION,<br/> 25. . . . .evaluating employee COMPENSATION, offering</p> <p><b>19</b></p> <p>1. . . . .COMPENSATION increases, and responding to<br/> 2. . . . .employee requests for COMPENSATION<br/> 3. . . . .increases" with you.<br/> 4. . . . .And "you" meaning Oracle.<br/> 5. . . . .Have you been designated to testify for<br/> 6. Oracle on that topic today?<br/> 7. . . . .MS. CONNELL: Again, this has been further<br/> 8. limited through the meet-and-confer process and is<br/> 9. reflected in our responses and objections.<br/> 10. . . . .THE WITNESS: Yes.<br/> 11. . . . .MR. FINBERG: Q. Item 10:<br/> 12. . . . ."YOUR," again referring to Oracle,<br/> 13. . . . ."policies and practices regarding the<br/> 14. . . . .payment of cash and/or equity bonuses for<br/> 15. . . . .employees in COVERED POSITIONS in<br/> 16. . . . .California during the CLASS PERIOD,<br/> 17. . . . .including but not limited to YOUR<br/> 18. . . . .policies and practices and criteria used<br/> 19. . . . .for determining bonus amounts, review of<br/> 20. . . . .bonus amounts, and responding to employee<br/> 21. . . . .concerns pertaining to the amount of their<br/> 22. . . . .bonuses."<br/> 23. . . . .Have you been designated by Oracle to<br/> 24. testify about that topic?<br/> 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.</p> <p>3. . . . .MS. CONNELL: I would also note that as to</p> <p>4. Topics 9 and 10, the meet-and-confer limited these</p> <p>5. topics to not include responding to employee</p> <p>6. requests for compensation increases or employee</p> <p>7. concerns pertaining to the amount of their bonuses.</p> <p>8. . . . .MR. FINBERG: Q. Eleven:</p> <p>9. . . . ."YOUR policies and practices regarding the</p> <p>10. . . . .COMPENSATION of employees...acquired by</p> <p>11. . . . .ORACLE."</p> <p>12. . . . .Have you been designated by Oracle to</p> <p>13. testify on that topic today?</p> <p>14. . . . A. Yes.</p> <p>15. . . . Q. Fourteen:</p> <p>16. . . . .The IDENTITY of all PERSONS involved in</p> <p>17. . . . .developing and reviewing YOUR policies</p> <p>18. . . . .and practices regarding COMPENSATION,</p> <p>19. . . . .advancement, and promotion."</p> <p>20. . . . .Have you been designated by Oracle on that</p> <p>21. topic today?</p> <p>22. . . . .MS. CONNELL: Again, this topic has been</p> <p>23. limited to the types of people that might be</p> <p>24. involved, as opposed to the identity of particular</p> <p>25. individuals.</p> <p><b>21</b></p> <p>1. . . . .THE WITNESS: Yeah, in general -- very</p> <p>2. general terms.</p> <p>3. . . . .MR. FINBERG: Q. Okay. Topic 15:</p> <p>4. . . . .The IDENTITY of all PERSONS involved in</p> <p>5. . . . .implementing YOUR policies and practices</p> <p>6. . . . .regarding COMPENSATION, advancement, and</p> <p>7. . . . .promotion."</p> <p>8. . . . .Have you been designated by Oracle to</p> <p>9. testify on that topic?</p> <p>10. . . . .MS. CONNELL: Same objection.</p> <p>11. . . . .And both 14 and 15 have been limited to</p> <p>12. not include advancement and promotion since this</p> <p>13. case involves only claims related to unequal pay.</p> <p>14. . . . .MR. FINBERG: I think that is a topic on</p> <p>15. which we disagree.</p> <p>16. . . . .I understand you've made that objection.</p> <p>17. . . . .And I don't think we are in agreement that</p> <p>18. advancement and promotion are --</p> |                  |

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

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

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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<br>21· ·surveys.<br>22· · . . . . Anything compensation-wise that touches<br>23· ·inter- -- around the world, any -- to ensure global<br>24· ·consistency in how we run programs and how we -- how<br>25· ·we make compensation decisions at Oracle is - - kind  |                  |
| <b>27</b>   |                  |
| 1· ·of falls under my umbrella.<br>2· · . . . . We have regional people taking care of<br>3· ·their regions.<br>4· · . . . . And then I try to ensure global<br>5· ·consistency.<br>6· · . . . Q· Where are you officed?<br>7· · . . . A· In Denver.<br>8· · . . . Q· You -- you listed a number of job<br>9· ·responsibilities.<br>10· · . . . . Let me try to break them down one by one.<br>11· · . . . . So you said responsible for global<br>12· ·compensation.<br>13· · . . . . What does that mean?<br>14· · . . . . MS. CONNELL:· Objection· Misstates her<br>15· ·testimony.<br>16· · . . . . THE WITNESS:· I'm responsible for global<br>17· ·compensation programs, which is different· I don't<br>18· ·have global compensation responsibility.<br>19· · . . . . MR. FINBERG:· Q· Okay.<br>20· · . . . A· But programs -- when we run, say, a --<br>21· ·an annual salary increase program, we have a -- a<br>22· ·system that we use to -- that shows all of our<br>23· ·eligible employees and what their current salary is<br>24· ·and their -- what their current range is· And<br>25· ·managers go into that tool to make their |                  |
| <b>28</b>   |                  |
| 1· ·recommendations for an increase.<br>2· · . . . . And my team is responsible for the<br>3· ·administration and the rollout of that program and<br>4· ·the announcement of any communications relating to<br>5· ·the program, setting the timelines, making sure<br>6· ·that -- that we get all of the information and all<br>7· ·the recommendations that we need from managers and<br>8· ·that everything abides by our timeline in order to<br>9· ·effectively process such increases.<br>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<br/>12· ·under the same tool· And the administration and the<br/>13· ·rollout of that program is something my team is<br/>14· ·responsible for.<br/>15· · · · Q· So that program deals with increases in<br/>16· ·base salary; is that right?<br/>17· · · · A· Yes.<br/>18· · · · Q· And also bonuses?<br/>19· · · · A· It's a different program, but, yes.<br/>20· · · · Q· Okay· And you had also mentioned<br/>21· ·"equity."<br/>22· · · · A· Yes.<br/>23· · · · Q· Is that --<br/>24· · · · A· And equity would be a third program.<br/>25· · · · Q· So there are three different programs?</p>  |                  |
| <p><b>29</b></p>  |                  |
| <p>1· · · · A· There are three different programs, yes.<br/>2· · · · Q· And you're responsible for all three?<br/>3· · · · A· Yes, the administration of all three, the<br/>4· ·gathering of the information and the rollout of the<br/>5· ·tool that has the people in it so that the managers<br/>6· ·can access that tool and make their recommendations.<br/>7· · · · Q· What is the tool called?<br/>8· · · · A· The tool is called Workforce Compensation.<br/>9· ·It's an Oracle product.<br/>10· · · · Q· Okay· And then I think you mentioned<br/>11· ·M and A compensation and mapping.<br/>12· · · · A· Uh-huh.<br/>13· · · · Q· What are your duties and responsibilities<br/>14· ·with respect to that?<br/>15· · · · A· So I personally don't have any duties.<br/>16· · · · ·I have somebody on my team who is an<br/>17· ·M and A compensation lead· And she works directly<br/>18· ·with our M and A HR team and the corporate<br/>19· ·development team to review the data and -- review<br/>20· ·all the data coming from the acquisition comp- --<br/>21· ·the target company.<br/>22· · · · ·And she studies job descriptions and org<br/>23· ·charts and learns more about these employees, and<br/>24· ·determines how they will be rolled into Oracle's<br/>25· ·jobs, Oracle's job structure, Oracle's bonus</p> |                  |
| <p><b>30</b></p> <p>1· ·programs, and those kinds of things· She analyzes</p>   |                  |

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

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| <p><b>46</b><br/>1. . . . . But you can answer if you know in your<br/>2. . percipient capacity.<br/>3. . . . . THE WITNESS: The -- the product<br/>4. . development function in general, as the name<br/>5. . implies, works to develop the products that Oracle<br/>6. . sells.<br/>7. . . . . The information technology function works<br/>8. . to support our employees on internal IT systems that<br/>9. . all of us use in our everyday jobs.<br/>10. . . . . And then the support function, their main<br/>11. . role would be to support our customers, whether they<br/>12. . call in to a phone line or send e-mails; just<br/>13. . technical support.</p>   |                  |
| <p><b>50:2-50:16</b><br/><br/>1. . . . Q. So what -- what does Thomas Kurian head<br/>3. . up?<br/>4. . . . . MS. CONNELL: Objection. Vague and<br/>5. . ambiguous.<br/>6. . . . . I also think it's beyond the scope of the<br/>7. . PM- -- this whole line of questioning is beyond the<br/>8. . scope of the topics.<br/>9. . . . . But you can answer in your percipient<br/>10. . capacity.<br/>11. . . . . MR. FINBERG: I think it's covered by 8.<br/>12. . . . . THE WITNESS: He -- he heads up the<br/>13. . largest portion of the product development -- the<br/>14. . areas of product development which is where a<br/>15. . majority of our -- of our products come from is<br/>16. . under Thomas.</p> |                  |
| <p><b>54:20-56:4</b><br/><br/>20. . . . . So in terms of what Kurian's over, it's a<br/>21. . number of products --<br/>22. . . . . (Ms. Sullivan enters the deposition room.)<br/>23. . . . . MS. CONNELL: This is Emily. I'm sorry.<br/>24. . Emily Sullivan from Oracle.<br/>25. . . . . MR. FINBERG: Hi, Emily.<br/><br/><b>55</b><br/>1. . . . Q. He's in charge of a number of Oracle<br/>2. . products?. Is that the best way to describe it?<br/>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?<br/> 3· ··· A· Mark Hurd.<br/> 4· ··· Q· And you mentioned two IT people.<br/> 5· ···· There was a Mark Sunday.<br/> 6· ··· A· Yes.<br/> 7· ··· Q· To whom does he report?<br/> 8· ··· A· To Chuck Rozwat.<br/> 9· ··· Q· Okay· And another person for product<br/> 10· ·development IT, does that person report to<br/> 11· ·Chuck Roz- --<br/> 12· ··· A· No· He reports to Thomas.</p>   |                  |
| <p><b>62:15-62:23</b></p> <p>15· ···· ·MR. FINBERG:· Q· Okay· How about<br/> 16· ·Joyce Westerdahl?<br/> 17· ··· A· Joyce is the EVP of HR.<br/> 18· ··· Q· What are her duties and responsibilities<br/> 19· ·in that position?<br/> 20· ···· ·MS. CONNELL: Calls for speculation.<br/> 21· ···· ·THE WITNESS: She oversees all areas of<br/> 22· ·HR: compensation, benefits, employee relations, HR<br/> 23· ·systems.</p>   |                  |
| <p><b>64:17-65:4</b></p> <p>17· ··· Q· What is Larry Ellison's title?<br/> 18· ··· A· Chief technology officer --<br/> 19· ··· Q· Is he --<br/> 20· ··· A· -- and --<br/> 21· ··· Q· -- also chair of the board?<br/> 22· ··· A· -- chairman of the board.<br/> 23· ··· Q· To whom does he report?<br/> 24· ··· A· The board of directors.<br/> 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<br/> 2· ·idea.<br/> 3· ··· Q· Okay. Does he report to Thomas Kurian?<br/> 4· ··· A· Yes.</p> |                  |
| <p><b>65:24-68:24</b></p> <p>24· ···· ·(Deposition Exhibit 24 was marked for<br/> 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<br/>11. ·help them to make --<br/>12. . . . MR. FINBERG:· Q· Okay.<br/>13. . . . A· --- good decisions.<br/>14. . . . Q· ·So these guidelines have applied to all<br/>15. ·Oracle offices in California since 2011; correct?<br/>16. . . . A· ·Yes.<br/>17. . . . Q· ·And all managers at Oracle's offices in<br/>18. ·California since 2011 have been encouraged to follow<br/>19. ·these guidelines; correct?<br/>20. . . . MS. CONNELL:· Objection· Misstates her<br/>21. ·testimony and calls for speculation.<br/>22. . . . THE WITNESS:· In the -- the HR business<br/>23. ·partners know this content· They know the<br/>24. ·Compensation 101, the -- the best practices· If<br/>25. ·they don't, they partner with their compensation</p> <p><b>81</b></p> <p>1· ·consultant.<br/>2· . . . So I would say their managers are advised<br/>3· ·with this content in mind.</p>   |                  |
| <p><b>83:14-86:12</b></p> <p>14. . . . .Without belaboring it, can you briefly<br/>15. ·describe what the other functions do?<br/>16. . . . .MS. CONNELL:· I just object as clearly<br/>17. ·beyond the scope of the PMK topics and I don't think<br/>18. ·generally relevant to the case.<br/>19. . . . .But she can answer in her percipient<br/>20. ·capacity if she knows the answer.<br/>21. . . . .THE WITNESS:· Administration would be,<br/>22. ·basically, what that word means, administrative<br/>23. ·assistant, people who do administrative work.<br/>24. . . . .The consulting function is for our<br/>25. ·consultants, our professional services people who</p> <p><b>84</b></p> <p>1· ·help our customers roll out the products they've<br/>2· ·purchased.<br/>3· . . . .MR. FINBERG:· Q· And to whom do these two<br/>4· ·organizations report?<br/>5· . . . A· It's not a "to whom."<br/>6· . . . .It -- they are -- they're all across the</p> |                  |

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

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

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

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| 23. . . . .MR. FINBERG: Well, the witness can<br>24. correct me if I've misstated it.<br>25. . . . .THE WITNESS: So it's a subset.   |                  |
| <b>92</b>  |                  |
| 1. . . . .I mean, this is just kind of a sample to<br>2. explain to them how this works.<br>3. . . . .If you refer to document -655, part of<br>4. Exhibit 24, it talks about the specialty area and<br>5. how the specialty describes the work performed<br>6. within a certain function. And a function may have<br>7. four to eight specialty areas. So the specialty<br>8. area is just a way to further classify different<br>9. groups of jobs.<br>10. . . . .MR. FINBERG: Q. So does product<br>11. development have more specialty areas than these<br>12. four, or are these the four?<br>13. . . . A. Off the top of my head, I don't recall.<br>14. . . . Q. And how would you describe what it -- what<br>15. these specialty areas mean?<br>16. . . . A. Which ones?<br>17. . . . Q. Well, development. What do people in the<br>18. specialty area development of product development<br>19. do?<br>20. . . . .MS. CONNELL: Objection. Compound; calls<br>21. for speculation.<br>22. . . . .THE WITNESS: The -- the job families that<br>23. fall under the development specialty area, in<br>24. general, tend to be our software developers, our<br>25. hardware developers, our applications developers. |                  |
| <b>93</b>  |                  |
| 1. They're like our engineers, per se.<br>2. . . . .MR. FINBERG: Q. So in the next column,<br>3. where it talks about job families --<br>4. . . . A. Uh-huh.<br>5. . . . Q. -- and then it says, "Software<br>6. Development, Hardware Development, User Experience<br>7. Development," there could be software engineers,<br>8. hardware engineers, and user experience engineers<br>9. who are all within the specialty development within<br>10. product development?<br>11. . . . A. Could be.<br>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<br/>14. development. And it would have a lot of levels of<br/>15. software developer, 1, 2, 3, 4. That's what the<br/>16. family is called.<br/>17. . . . . And then there's hardware development, 1,<br/>18. 2, 3, 4.<br/>19. . . . . But that would fall under the specialty<br/>20. area of development.</p>   |                  |
| <p><b>95:1-95:16</b></p> <p>1. . . . . MR. FINBERG: Q. The court reporter has<br/>2. marked as Plaintiff's Exhibit 26 a document that has<br/>3. the Bates numbers 6678. I'm not sure. I think it<br/>4. might have been a -- the other side of -79 -- to<br/>5. -79.<br/>6. . . . . Do you recognize this?<br/>7. . . . A. I do.<br/>8. . . . Q. What is this?<br/>9. . . . A. It is a -- it is a document that lists and<br/>10. gives more information about what our functions in<br/>11. specialty areas are, along with a very general<br/>12. overview of what the people in those functions and<br/>13. specialty areas do.<br/>14. . . . Q. About when was this document created?<br/>15. . . . A. I believe the version that I have was,<br/>16. like, 2009.</p> |                  |
| <p><b>98:3-98:17</b></p> <p>3. . . . Q. And why is a job family important? What's<br/>4. the significance of being in a job family?<br/>5. . . . . MS. CONNELL: Objection. Vague and<br/>6. assumes facts.<br/>7. . . . . MR. FINBERG: Q. That's listed on<br/>8. Exhibit 25.<br/>9. . . . A. It's some -- just a little bit more<br/>10. specific about what, within that specialty area,<br/>11. does the person do.<br/>12. . . . . As the exhibit says, it's what is the<br/>13. discipline within that.<br/>14. . . . Q. And who makes those determinations about<br/>15. who's in a specialty area and who's in a job family?<br/>16. . . . A. What job families are in which specialty<br/>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:<br/>23. . . . . "In order to provide accurate, consistent,<br/>24. . . . . employee information for global reporting<br/>25. . . . . and analysis, Oracle must classify all</p> <p><b>101</b></p> <p>1. . . . . employees according to four standard<br/>2. . . . . categories: Function, Specialty Area,<br/>3. . . . . Career Level, and Product Association."<br/>4. . . . . So what does that mean?<br/>5. . . . . MS. CONNELL: Objection. Calls for<br/>6. speculation.<br/>7. . . . . THE WITNESS: This document was -- I -- I<br/>8. wasn't part of creating.<br/>9. . . . . But the framework helps us to put our<br/>10. employees into buckets, general categories of what<br/>11. they do.<br/>12. . . . . MR. FINBERG: Q. And why is that helpful?<br/>13. . . . A. So we can get a good idea of how many<br/>14. employees we have performing general duties of --<br/>15. of, say, the software engineering specialty area or<br/>16. the -- in specific job codes. We can get a general<br/>17. idea of the numbers of people in which locations.<br/>18. . . . . And -- and, also, it's -- from a<br/>19. compensation standpoint, it's -- it's the way that<br/>20. we report our data for salary surveys and the way<br/>21. that we get market data on competitive pay<br/>22. practices.<br/>23. . . . Q. So you set salaries, in part, by job<br/>24. title?<br/>25. . . . . MS. CONNELL: Objection. Misstates her</p> <p><b>102</b></p> <p>1. testimony.<br/>2. . . . . THE WITNESS: No.<br/>3. . . . . Salary -- we get down to job code and<br/>4. location and market data.<br/>5. . . . . MR. FINBERG: Q. Okay. And what does a<br/>6. job code consist of?<br/>7. . . . A. It's numbers, and it's the unique<br/>8. identifier for the jobs within a job family.<br/>9. . . . Q. Okay. Well, there are some other pages<br/>10. here that have it in more specific detail that we'll</p> |                  |

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

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

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

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

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

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

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

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

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

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| <p>7. . . . . Is that terminated employees?<br/> 8. . . . A. Uh-huh.<br/> 9. . . . Q. Okay. Similarly, it looks like you need<br/> 10. initial approval by HR, and then board of directors<br/> 11. approval for bonuses; is that correct?<br/> 12. . . . A. It looks like it.<br/> 13. . . . Q. Okay. That's consistent with your<br/> 14. understanding?<br/> 15. . . . A. Yes.<br/> 16. . . . Q. And stock options -- there also needs to<br/> 17. be board of directors' approval before an employee<br/> 18. is given stock options?<br/> 19. . . . A. Yes.<br/> 20. . . . Q. And that's true regardless of whether it's<br/> 21. a new hire or a current employee?<br/> 22. . . . A. Yes.</p>   |                  |
| <p><b>130:19-134:3</b></p> <p>19. . . . . (Deposition Exhibit 34 was marked for<br/> 20. . . . . identification.)<br/> 21. . . . . MR. FINBERG: Q. Okay. And Exhibit 34 is<br/> 22. a spreadsheet with Bates number 5433, and this one<br/> 23. is dated May 12th of 2016.<br/> 24. . . . . So this process that we've been going<br/> 25. over continued to be in place through May of 2016;</p> <p><b>131</b></p> <p>1. correct?<br/> 2. . . . A. Which process?<br/> 3. . . . Q. The global approval matrix process of who<br/> 4. needs to sign off on various compensation decisions,<br/> 5. including initial pay setting of standard hire, base<br/> 6. salary increases, bonus increases, and stock.<br/> 7. . . . A. I'm assuming it was updated because<br/> 8. something changed. But, offhand, I don't know what<br/> 9. changed.<br/> 10. . . . Q. Do you see any changes of note on this<br/> 11. document?<br/> 12. . . . . MS. CONNELL: Objection to the extent the<br/> 13. document speaks for itself.<br/> 14. . . . . MR. FINBERG: Q. I mean, this document<br/> 15. has some additional content that wasn't on the<br/> 16. other.<br/> 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<br/>19· ·equity.<br/>20· · . . . . And it looks like it breaks it down into<br/>21· · a hundred (sic) share equivalents or less and then a<br/>22· · hundred -- excuse me -- a hundred thousand share<br/>23· · equivalents or less, a hundred thousand and one to<br/>24· · 249,999 share equivalents, and then above 250,000<br/>25· · share equivalents, as opposed to simply having an</p>  |                  |
| <p><b>132</b></p>  |                  |
| <p>1· ·equity column before.<br/>2· · . . . . MS. CONNELL:· Misstates the document.<br/>3· · . . . . MR. FINBERG:· Q· Well, am I?· No· Okay.<br/>4· ·Yes, that wasn't really --<br/>5· · . . . . (Clarification requested by the reporter.)<br/>6· · . . . . MR. FINBERG:· Counsel, Ms. Connell,<br/>7· · pointed out that that was also in 33· And she's<br/>8· ·correct about that.<br/>9· · . . . . I don't think it was in some of the<br/>10· ·earlier iterations, but I could be mistaken.<br/>11· · . . . Q· But this one does say:<br/>12· · . . . . "...approval by the appropriate Plan<br/>13· · . . . . Committee member."<br/>14· · . . . . What does that mean?<br/>15· · . . . A· I'm sorry· Where are you looking?<br/>16· · . . . Q· I'm looking at -- it's Exhibit 34· It's<br/>17· ·page 2· It's "Equity," and it's got an X in the<br/>18· · "CEO...and Executive Chairman and CTO" column· And<br/>19· · it says, "See Notes."· And the notes say:<br/>20· · . . . . "Requires approval by the appropriate Plan<br/>21· · . . . . Committee member."<br/>22· · . . . A· We have -- essentially, our board of<br/>23· · directors has approved four people to -- as plan<br/>24· · committee members in regards to equity grants.<br/>25· · . . . . And as you can see, it's mostly incredibly</p> |                  |
| <p><b>133</b></p>  |                  |
| <p>1· ·high equity grants· It's like our top executive<br/>2· ·offers.<br/>3· · . . . . And we have -- Larry and Mark and Safra<br/>4· · and Thomas are the four plan committee members.<br/>5· · . . . . And this was set forth because -- for --<br/>6· · we had various -- various levels of grants requiring<br/>7· · certain actions before those could be signed off<br/>8· · on.</p>  |                  |

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| <p>9. . . . .MR. FINBERG: (Addressing the reporter)<br/> 10. ·Okay. Is the next one 35?<br/> 11. . . . .THE REPORTER: Yes.<br/> 12. . . . .(Deposition Exhibit 35 was marked for<br/> 13. . . . .identification.)<br/> 14. . . . .MR. FINBERG: Q. Okay. Exhibit 35 is<br/> 15. ·another Global Approval Matrix. This one is dated<br/> 16. ·June 1st, 2016, and it has -- it's a spreadsheet<br/> 17. ·with the Bates number 5429.<br/> 18. . . . .And what is this?<br/> 19. . . . A. It looks like yet another update.<br/> 20. . . . Q. Okay. And, again, it -- this date and<br/> 21. ·time, standard hire, salary increase, base salary<br/> 22. ·increase -- both require check-off from the M10<br/> 23. ·level; right?<br/> 24. . . . A. The last review before committing to the<br/> 25. ·system, yes, goes up to -- not the M10s personally,</p> <p><b>134</b><br/> 1. ·but the people in the office representing them and<br/> 2. ·responsible for the review.<br/> 3. . . . Q. Okay.</p> |                  |
| <p><b>134:6-134:23</b></p> <p>6. . . . .MR. FINBERG: Q. Okay. The court<br/> 7. ·reporter has marked as Exhibit 37 (sic) another<br/> 8. ·spreadsheet, this one with the Bates numbers 5431.<br/> 9. . . . .MR. THOREEN: Thirty-six.<br/> 10. . . . .MR. FINBERG: Oh, I'm sorry.<br/> 11. . . . .(Addressing the reporter) Is this 36,<br/> 12. ·Jane?<br/> 13. . . . .THE REPORTER: This is 36.<br/> 14. . . . .MR. FINBERG: I'm sorry.<br/> 15. . . . Q. This one is dated September 2, 2016.<br/> 16. . . . .And what -- what is Exhibit 36?<br/> 17. . . . A. Another update.<br/> 18. . . . Q. And has the process set forth in these<br/> 19. ·Global Approval Matrix -- Matrices remained in place<br/> 20. ·through the present?<br/> 21. . . . A. I don't have any idea what the latest<br/> 22. ·iteration is, but we still have a -- general<br/> 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.<br/> 19· . . . . As I've stated, it's pretty rare that it<br/> 20· would reach the point of the very top level and get<br/> 21· rejected.<br/> 22· . . . . MR. FINBERG:· Q· Is it more common to get<br/> 23· rejected at a lower level?<br/> 24· . . . A· I'm not sure.<br/> 25· . . . Q· Do you know how frequently that occurred?</p> <p><b>137</b><br/> 1· . . . A· I have no idea.</p>  |                  |
| <p><b>139:19-21</b></p> <p>19· . . . MR. FINBERG:· Q· Okay· On the page<br/> 20· before, it refers to a discretionary title change<br/> 21· approval.</p>   |                  |
| <p><b>139:22-140:11</b></p> <p>22· . . . . What is a discretionary title?<br/> 23· . . . A· Discretionary title is a more detailed way<br/> 24· that an employee may go about identifying herself or<br/> 25· himself.</p> <p><b>140</b><br/> 1· . . . Q· And why -- what is its significance?<br/> 2· . . . . MS. CONNELL:· Objection· Calls for<br/> 3· speculation; and compound; it's also vague.<br/> 4· . . . . THE WITNESS:· It's just more specific.<br/> 5· . . . . MR. FINBERG:· Q· Does it change<br/> 6· somebody's hierarchy?<br/> 7· . . . A· No.<br/> 8· . . . Q· Their reporting relationship?<br/> 9· . . . A· No.<br/> 10· . . . Q· Their salary?<br/> 11· . . . A· No.</p> |                  |
| <p><b>147:15-148:2</b></p> <p>15· . . . . (Deposition Exhibit 39 was marked for<br/> 16· . . . . identification.)<br/> 17· . . . . MR. FINBERG:· Q· Okay· Exhibit 39 is a<br/> 18· document entitled "Global Corporate Bonus Process<br/> 19· and Fusion Workforce Compensation Manager Training."<br/> 20· It has Bates numbers -4668 through -712 (sic).<br/> 21· . . . . Do you recognize this document?<br/> 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><br/>1. numbers -6549 to -6563.<br/>2. . . . . Do you recognize that?<br/>3. . . . A. I sure do.<br/>4. . . . Q. What is that?<br/>5. . . . A. It is just the process document for how we<br/>6. went through running the equity program at this<br/>7. point in time.<br/>8. . . . Q. Okay. Were you involved in preparing this<br/>9. document?<br/>10. . . . A. I was.<br/>11. . . . Q. What was your role?<br/>12. . . . A. I believe I authored most of it.</p>   |                  |
| <p><b>151:08-153:17</b><br/><br/>8. . . . Q. Okay. And turning your attention to page<br/>9. 6560, "List of manager emails," it says:<br/>10. . . . . "While you await final approval by the<br/>11. . . . . comp committee, gather...list of email<br/>12. . . . . addresses of the managers whose directs<br/>13. . . . . are receiving stock," and then it goes on.<br/>14. . . . . What does that mean, "While you await<br/>15. final approval by the comp committee"?<br/>16. . . . A. For all of our -- for our annual equity<br/>17. grant, we have to present to our comp committee of<br/>18. the board of directors what grants are being put<br/>19. forward, and they give the overall final stamp of<br/>20. approval to go forward with processing.<br/>21. . . . Q. And who's the comp committee of the board<br/>22. of directors?<br/>23. . . . A. I don't know the names of all of them.<br/>24. . . . Q. Okay. How large is that group?<br/>25. . . . A. We have three or four independent board<br/><br/><b>152</b><br/>1. members; and then Safra is on the comp committee; I<br/>2. believe Dorian Daley might be on the comp committee.<br/>3. They -- they have some internal people and some<br/>4. independent members of the board.<br/>5. . . . Q. At some point in time was there a change<br/>6. about offering restricted stock units instead of<br/>7. stock equity?<br/>8. . . . A. Yes.<br/>9. . . . Q. When did that occur?</p> |                  |

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| <p>10. . . . A. I believe it was -- the summer of 2014 was<br/> 11. the first time our grant -- our annual grant offered<br/> 12. either restricted stock or stock options.<br/> 13. . . . . We allowed the employees to choose which<br/> 14. of the two they would like.<br/> 15. . . . Q. And what's the difference between the two?<br/> 16. . . . A. There -- there's a big difference.<br/> 17. . . . . Stock options is -- are given -- it is the<br/> 18. right to purchase shares during the period.<br/> 19. . . . . And RSUs themselves are restricted stock<br/> 20. units, and those are -- they automatically vest<br/> 21. 25 percent per year for four years. The employee<br/> 22. has a taxable event every year for four years.<br/> 23. . . . . And with options, you can hang on to them<br/> 24. for ten years, and your taxable event happens when<br/> 25. you decide to ex- -- exercise them.</p> <p><b>153</b></p> <p>1. . . . Q. And the employee decides? All employees<br/> 2. are given a choice between the two equally?<br/> 3. . . . A. All employees in the United States are<br/> 4. given the choice between whether to -- whether to<br/> 5. choose options, RSUs, or 50/50.<br/> 6. . . . Q. And options come with a given strike<br/> 7. price?<br/> 8. . . . A. Yes.<br/> 9. . . . Q. And how is that set?<br/> 10. . . . A. It is Oracle's closing price on the date<br/> 11. of comp committee final approval.<br/> 12. . . . Q. So if there is comp committee final<br/> 13. approval in year 1 and the stock is, you know, in a<br/> 14. hypothetical, 10, and then by year 2, the stock has<br/> 15. gone up to 20, the employee can buy the stock that's<br/> 16. now at 20 at 10 --<br/> 17. . . . A. Yes --</p> |                  |
| <p><b>153:17-19</b></p> <p>17. . . . A. Yes --<br/> 18. . . . Q. --- in year 2?<br/> 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<br/> 16. mark that. Let's mark that one. Okay.<br/> 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<br/> 12. general, yes.<br/> 13. . . . . MR. FINBERG: Q. Okay. And when you say<br/> 14. "in general," what are the exceptions to the general<br/> 15. rule?<br/> 16. . . . . And let's -- in terms of time, let's take<br/> 17. this up through October of 2017.<br/> 18. . . . . MS. CONNELL: For the record, we have<br/> 19. produced very detailed documents addressing this<br/> 20. issue.<br/> 21. . . . . But you can testify.<br/> 22. . . . . THE WITNESS: Earlier on in the time<br/> 23. period, closer to the 2013/2014 -- I don't even know<br/> 24. the dates really in question -- when we would map<br/> 25. acquisition hires, we would bring them over, same</p> <p><b>168</b></p> <p>1. job, same salary, sort of let them settle into their<br/> 2. role at Oracle before making any big decisions on --<br/> 3. on pay-related matters.<br/> 4. . . . . In more recent years, a change has been<br/> 5. made where we may consider, for example, if a target<br/> 6. company was within a month or two of doing their own<br/> 7. focal and -- which is an annual salary review, we<br/> 8. may allow them to proceed with that and have that be<br/> 9. part of the process. And they would come on with<br/> 10. their new salary because they were so close to focal<br/> 11. at their target company.</p> |                  |
| <p><b>172:5-8</b></p> <p>5. . . . Q. Okay. We'll get into this in more detail<br/> 6. later because there are some other documents that<br/> 7. spell this out in more detail.<br/> 8. . . . So the second bullet point is:</p>  |                  |
| <p><b>172:9-12</b></p> <p>9. . . . . "the employee's global career level."<br/> 10. . . . . To what does that refer?<br/> 11. . . . A. It's the level at which someone is<br/> 12. performing their job.</p>   |                  |
| <p><b>172:13-20</b></p> <p>13. . . . So an IC0 would be very basic. It<br/> 14. generally is reserved for, like, the administrative<br/> 15. functions.</p>  |                  |

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| <p>16. . . . IC1 is -- is entry-level professional-type<br/> 17. jobs, like a developer or a programmer.<br/> 18. . . . And then it goes up. Most families go up<br/> 19. through an IC5, which means individual contributor<br/> 20. at the level 5.</p>   |                  |
| <p><b>173:1-8</b></p> <p>1. . . . Q. Okay. And so, basically, global career<br/> 2. level is a measure of responsibility, with lower<br/> 3. levels having less and higher numbers having more?<br/> 4. . . . A. Responsibility, complexity, knowledge,<br/> 5. skills, and abilities that the person brings to the<br/> 6. table, their scope.<br/> 7. . . . There are a lot of things that go into<br/> 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<br/> 10. a specific job title; is that correct?<br/> 11. . . . A. A job code. A salary range is assigned to<br/> 12. a code.<br/> 13. . . . Q. Which is both a job title and a career<br/> 14. level?<br/> 15. . . . A. A job code is assigned a job title, and it<br/> 16. has a -- it also has -- one job code can only have<br/> 17. one title and one career level, yes.<br/> 18. . . . Q. So as you go up the career level ladder<br/> 19. from IC1 up through IC5 or -6, you're moving to a<br/> 20. higher and higher salary range if you're within the<br/> 21. same job title?<br/> 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<br/> 7. Hurd and Catz about how to divide it up among their<br/> 8. direct reports?<br/> 9. . . . A. Not the how to divide it up.<br/> 10. . . . We make the recommendation based on<br/> 11. country percentages.<br/> 12. . . . Q. How about within the U.S.? How --<br/> 13. . . . A. It is a country percentage for the U.S.<br/> 14. . . . Q. I'm not understanding you.<br/> 15. . . . A. So the U.S. compensation team might look<br/> 16. at market data and our current internal position to<br/> 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<br/> 19· percent for our U.S. employees."<br/> 20· . . . Q· So across the board for all U.S.<br/> 21· employees?<br/> 22· . . . A· Yes, for non-sales. And sales -- there's<br/> 23· a different conversation for sales.<br/> 24· . . . Q· So everybody moves lockstep?<br/> 25· . . . MS. CONNELL· Objection. Misstates her</p> <p><b>186</b><br/> 1· testimony.<br/> 2· . . . THE WITNESS· "Everybody" meaning?<br/> 3· . . . MR. FINBERG· Q· All U.S. employees.<br/> 4· . . . A· Oh, no. There's still a -- the budget<br/> 5· that's approved is the same budget of eligible<br/> 6· salaries by the country, but it doesn't go down to<br/> 7· the individual level.<br/> 8· . . . Q· Okay. So that creates the number?<br/> 9· . . . A· Yes.<br/> 10· . . . Q· Three percent of salary creates the --<br/> 11· . . . A· Overall.<br/> 12· . . . Q· --- total amount that gets allocated.<br/> 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<br/> 15· for each of the LOB heads that I named.<br/> 16· . . . Q· And so they each get a portion of the<br/> 17· total budget in proportion to the people who are<br/> 18· reporting to them, the amount of the salary<br/> 19· attributable to the people reporting to them?<br/> 20· . . . A· Correct.<br/> 21· . . . Q· And then what happens? How -- how do they<br/> 22· allocate it within their lines of business?<br/> 23· . . . A· They would work with their business<br/> 24· partner, their HR business partner, probably an ops<br/> 25· person or a finance person that supports their</p> <p><b>187</b><br/> 1· organization, to determine the areas that they<br/> 2· would like to focus their dollars. It might be<br/> 3· product-based. Maybe they have attrition in a<br/> 4· specific area that they need to try to get a handle<br/> 5· of (sic). Maybe they have low salaries in a<br/> 6· specific area where they have a critical group of</p> |                  |

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

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| 24. . . . .MS. CONNELL:· Objection as to the word<br>25. ·"proposed."   |                  |
| <b>189</b>  |                  |
| 1. . . . .THE WITNESS:· And are you speaking about<br>2. ·budgets, or are you speaking about actual increase<br>3. ·amounts?  |                  |
| 4. . . . .MR. FINBERG:· Q.· Well, so the budgets get<br>5. ·pushed down, down, down, down.· And at some point<br>6. ·somebody translates that into a recommendation for<br>7. ·increase amounts; right? |                  |
| 8. . . . A.· Yes.   |                  |
| 9. . . . Q.· And at what level does that occur?   |                  |
| 10. . . . .MS. CONNELL:· Objection.· Asked and<br>11. ·answered.  |                  |
| 12. . . . .THE WITNESS:· That's typically the<br>13. ·immediate manager.  |                  |
| 14. . . . .Whether they get a budget or not --  |                  |
| 15. . . . .MR. FINBERG:· Q.· Right.   |                  |
| 16. . . . A.· -- typically the immediate manager makes a<br>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<br>21. ·thing cascades back up for approval; right?   |                  |
| 22. . . . A.· If a first-line manager or second-line<br>23. ·manager finishes their recommendations, they click<br>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<br>2. ·stay within your budget.  |                  |
| 3. . . . .If you've overspent, they usually send it<br>4. ·back unless you already spoke to them to say, "I<br>5. ·overspent.· Can you hold some at your level?"  |                  |
| 6. . . . .But for the most part, the -- as you work<br>7. ·your way up the chain, it is simply, "Did you stay<br>8. ·within your means and the budget we gave you?"                                     |                  |
| 9. . . . Q.· Is the allocation sometimes changed by the<br>10. ·people further up the chain, like, "Pay A more than<br>11. ·B," or, "You need to pay A and B and C the same"<br>12. ·or --              |                  |
| 13. . . . .MS. CONNELL:· Objection.· Calls for<br>14. ·speculation.   |                  |

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| <p>15. . . . .THE WITNESS: There could be a situation<br/>16. where maybe a manager two levels up worked<br/>17. specifically with somebody, and they -- say, for the<br/>18. bonus process or something, they worked with<br/>19. somebody who did an outstanding job. And they have<br/>20. another thousand dollars in their overall budget.<br/>21. And they might say, "I'm going to add a thousand to<br/>22. this person."<br/>23. . . . .MR. FINBERG: Q. So that happens<br/>24. sometimes?<br/>25. . . . A. On occasion.</p>   |                  |
| <p><b>191</b></p>   |                  |
| <p>1. . . . Q. And it has to get approved all the way<br/>2. back up to the CEO level?<br/>3. . . . A. Individual recommendations aren't really<br/>4. reviewed and approved.<br/>5. . . . .Again, it's about, did they stay within<br/>6. budget.<br/>7. . . . .So when the very top looks at it, there's<br/>8. a summary document in the tool that shows them,<br/>9. "Their overall budget was X, and their spend was Y."<br/>10. . . . .If they're in the red, that's no good.<br/>11. . . . Q. How high up are they told what the<br/>12. allocation to specific employees is?<br/>13. . . . A. It's all within the tool. So they could<br/>14. look.<br/>15. . . . Q. Anybody up the chain could look?<br/>16. . . . A. They could look.<br/>17. . . . Q. So they all see the numbers all the way up<br/>18. the chain?<br/>19. . . . A. Only --<br/>20. . . . .MS. CONNELL: Objection. Misstates her<br/>21. testimony.<br/>22. . . . .THE WITNESS: No. Only if they care to<br/>23. look.<br/>24. . . . .Really, the company is so large, these<br/>25. people don't know who most of the people are anyway,</p> |                  |
| <p><b>192</b></p>   |                  |
| <p>1. and they don't look at the details.<br/>2. . . . .They want to know, "Did my people stay<br/>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<br/>13. the M1 and M2 line managers supposed to look into<br/>14. the process of how bonuses are allocated to ensure<br/>15. fairness?<br/>16. . . . .MS. CONNELL: Objection. Vague and<br/>17. ambiguous and assumes that they're supposed to be<br/>18. looking at -- there's a "supposed to" involved.<br/>19. . . . .THE WITNESS: Yeah, I'm not sure about<br/>20. that word, "supposed to."<br/>21. . . . .MR. FINBERG: Q. Is that the guideline<br/>22. that they're given?<br/>23. . . . A. We don't have a guideline.<br/>24. . . . .Depending on what level of management you<br/>25. are.</p> <p><b>196</b></p> <p>1. . . . Q. What steps, if any, are taken to ensure<br/>2. that discretion is exercised in a fair and equitable<br/>3. manner?<br/>4. . . . A. HR business partners and/or compensation<br/>5. consultants may possibly work with managers to have<br/>6. them take a look at their group, their -- the people<br/>7. for whom they're responsible overall, and put peer<br/>8. groups together and compare, you know, like<br/>9. performance to like job, and are we sure that<br/>10. they're positioned in the range appropriately.<br/>11. . . . .That's part of what our compensation<br/>12. training is, that they look at internal equity<br/>13. compared to peers and, you know, focus on high<br/>14. performers.<br/>15. . . . .If they have a high performer low in the<br/>16. range, that's -- those are the kinds of things that<br/>17. we -- that we include in our training, and we ask<br/>18. them to do.<br/>19. . . . .And if a manager chooses to work with<br/>20. their HR business partner, that's the way an HR<br/>21. business partner would advise, "Think about the<br/>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,<br/>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<br/>                 25· higher level, and the decisions are made a bit</p> <p><b>199</b></p> <p>1· higher than first-line manager.<br/>                 2· . . . Q· So what does that mean?<br/>                 3· . . . . MS. CONNELL· Objection· Vague and<br/>                 4· ambiguous.<br/>                 5· . . . . THE WITNESS· So in -- in some<br/>                 6· organizations, they may choose to stop it at -- they<br/>                 7· may choose to push down five levels below Mark Hurd.<br/>                 8· And a different organization may stop it at four<br/>                 9· levels below Mark Hurd.<br/>                 10· . . . . They hold it at a higher -- because it's<br/>                 11· higher-level management and higher-level outstanding<br/>                 12· ICs that get equity, they don't just give a budget<br/>                 13· to all people with direct reports.<br/>                 14· . . . . MR. FINBERG· Q· So not all ICs are going<br/>                 15· to get stock?<br/>                 16· . . . A· No.<br/>                 17· . . . Q· What portion of ICs get stock?<br/>                 18· . . . A· I don't know by career level.<br/>                 19· . . . Q· What's your best estimate?<br/>                 20· . . . A· I -- I don't know.<br/>                 21· . . . . By career level, we don't do that<br/>                 22· analysis.<br/>                 23· . . . . I know overall as a company, it's less<br/>                 24· than 20 percent of our company employees get equity.<br/>                 25· . . . Q· And that includes both IC level and</p> <p><b>200</b></p> <p>1· M level?<br/>                 2· . . . A· Yes.<br/>                 3· . . . Q· And is a majority of that to M level?<br/>                 4· . . . A· If I were to make a guess, I would say<br/>                 5· yes.<br/>                 6· . . . Q· Okay· And for the IC levels, is it<br/>                 7· primarily people IC4, 5, and 6, if applicable?<br/>                 8· . . . A· Yes, higher level ICs.<br/>                 9· . . . Q· And so it's somebody at a VP level, then,<br/>                 10· who makes the individual allocations?<br/>                 11· . . . . MS. CONNELL· Objection· Misstates her<br/>                 12· testimony.<br/>                 13· . . . . THE WITNESS· It -- it really depends.<br/>                 14· . . . . I mean, sometimes we have -- I mean, for</p> |                  |

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

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

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

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

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| <p>4. get our market data, simply because if -- if we<br/>                     5. said, "You all have to be working on the exact same<br/>                     6. product," then we would be a company on our own.<br/>                     7. There wouldn't be a market to which we could<br/>                     8. compare.<br/>                     9. . . . .MR. FINBERG: Q. And you believe that the<br/>                     10. market data that you get is useful to you?<br/>                     11. . . . .MS. CONNELL: Objection. Vague.<br/>                     12. . . . .THE WITNESS: Yes, market data is useful.<br/>                     13. . . . .(Deposition Exhibit 44 was marked for<br/>                     14. . . . .identification.)<br/>                     15. . . . .MR. FINBERG: Q. The court reporter has<br/>                     16. marked as Exhibit 44 a spreadsheet that has the<br/>                     17. first page of -889.<br/>                     18. . . . .Do you recognize that?<br/>                     19. . . . A. I do.<br/>                     20. . . . Q. What is that?<br/>                     21. . . . A. It is our definitions for our career<br/>                     22. levels.</p>   |                  |
| <p><b>227:15-229:9</b></p> <p>15. . . . .MR. FINBERG: Q. The court reporter has<br/>                     16. marked as Exhibit 44 a spreadsheet that has the<br/>                     17. first page of -889.<br/>                     18. . . . .Do you recognize that?<br/>                     19. . . . A. I do.<br/>                     20. . . . Q. What is that?<br/>                     21. . . . A. It is our definitions for our career<br/>                     22. levels.<br/>                     23. . . . Q. And who created this document?<br/>                     24. . . . A. This predates me.<br/>                     25. . . . .I don't know.</p> <p><b>228</b></p> <p>1. . . . Q. Okay. What is this document used for?<br/>                     2. . . . .MS. CONNELL: Objection. Calls for<br/>                     3. speculation.<br/>                     4. . . . .THE WITNESS: It lays out our definitions<br/>                     5. and helps HR people, managers to get a better<br/>                     6. understanding of what we mean when we say "IC3" or<br/>                     7. what we mean when we say an "M4."<br/>                     8. . . . .MR. FINBERG: Q. And these are the<br/>                     9. same -- the IC columns and the M columns here are<br/>                     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<br/> 12. referenced across here to find out what we mean by<br/> 13. that level.<br/> 14. . . . Q. Right. So column 5 gives you the number,<br/> 15. and then it -- column 5 of Exhibit 43 gives you the<br/> 16. number, and then Exhibit (sic) 89 -- -889 tells you<br/> 17. what that number means?<br/> 18. . . . A. Yes.<br/> 19. . . . Q. And tells you the attributes of somebody<br/> 20. with that number?<br/> 21. . . . A. Yes.<br/> 22. . . . Q. And people with those numbers all share<br/> 23. certain attributes?<br/> 24. . . . MS. CONNELL: Objection. Misstates her<br/> 25. testimony.</p> <p><b>229</b></p> <p>1. . . . THE WITNESS: The individuals may not<br/> 2. share certain attributes.<br/> 3. . . . The scope of their role or the impact of<br/> 4. their role may share certain attributes.<br/> 5. . . . But the individuals -- their background<br/> 6. could be vastly different.<br/> 7. . . . MR. FINBERG: Q. But their levels of<br/> 8. responsibility and impact are similar?<br/> 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<br/> 11. in Exhibit 24 at page -588.<br/> 12. . . . So this is "Managing the Annual Salary<br/> 13. Increase Process &amp; Budget."<br/> 14. . . . The first bullet point (as read):<br/> 15. . . . "Budgets are set at the very top executive<br/> 16. . . . level and each line of business has his<br/> 17. . . . or her own method of allocating."<br/> 18. . . . I think we talked about this before.<br/> 19. . . . Am I right, that "very top executive<br/> 20. level" means the CEOs?<br/> 21. . . . A. That the budgets are set there? Yes, it's<br/> 22. CEOs.<br/> 23. . . . Q. Okay. And does Larry Ellison also play a<br/> 24. role in that, or is it just --<br/> 25. . . . A. Yes.</p> |                  |

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| <p><b>232</b></p> <p>1. . . . Q. Okay. So it's the two CEOs --</p> <p>2. . . . A. The CEOs --</p> <p>3. . . . Q. -- and Larry Ellison?</p> <p>4. . . . A. Yes.</p> <p>5. . . . Q. And then the "each LOB head," those are</p> <p>6. the direct reports to the CEOs that we talked about?</p> <p>7. . . . A. Correct.</p>   |                  |
| <p><b>232:20-233:10</b></p> <p>20. . . . Q. And page -589, it says:</p> <p>21. . . . . "The budgets are pushed from the top down,</p> <p>22. . . . . and some LOBs may stop at a specific level</p> <p>23. . . . . of management when allocating."</p> <p>24. . . . . So what does that mean?</p> <p>25. . . . . I think you talked in terms of stock about</p> <p><b>233</b></p> <p>1. stopping, but this is in the context of salary</p> <p>2. increases, I think.</p> <p>3. . . . A. Uh-huh.</p> <p>4. . . . Q. So what does this mean?</p> <p>5. . . . A. It's the same thing that I spoke to.</p> <p>6. . . . . And I believe I spoke to -- spoke about</p> <p>7. it with focal and bonus as well.</p> <p>8. . . . . Some lines of business may not go all the</p> <p>9. way down to the first-line manager with their</p> <p>10. budget.</p> |                  |
| <p><b>233:11-12</b></p> <p>11. . . . Q. Uh-huh.</p> <p>12. . . . A. They may stop at a certain level.</p>  |                  |
| <p><b>234:12-235:16</b></p> <p>12. . . . Q. It's the director who's going to make the</p> <p>13. allocations to individual employees?</p> <p>14. . . . A. Not necessarily.</p> <p>15. As it says in here (as read):</p> <p>16. . . . . "Even if a budget is not published (sic)</p> <p>17. . . . . all the down to you...you may still</p> <p>18. . . . . allocate money to your employees."</p> <p>19. . . . Q. Where are you looking?</p> <p>20. . . . A. Right underneath, that next sentence.</p> <p>21. . . . Q. The next sentence:</p> <p>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<br/>                 25. job duties are similar enough that they're</p> <p><b>242</b></p> <p>1. comparable?<br/>                 2. . . . . MS. CONNELL: Objection. Assumes facts.<br/>                 3. . . . . THE WITNESS: It's the very general<br/>                 4. overall descriptions. And we read the survey's very<br/>                 5. general overall descriptions.<br/>                 6. . . . . MR. FINBERG: Q. Are those descriptions<br/>                 7. in the surveys similar to posting descriptions that<br/>                 8. come -- those competitive companies have when they<br/>                 9. post their jobs?<br/>                 10. . . . A. No. They're -- they're way more high<br/>                 11. level than that.<br/>                 12. . . . Q. When you say "more high level," what do<br/>                 13. you mean?<br/>                 14. . . . A. More broad.<br/>                 15. . . . Q. More general?<br/>                 16. . . . A. They're more general.<br/>                 17. . . . Q. And you use those general descriptions to<br/>                 18. map -- to determine the proper salary range and<br/>                 19. midpoint for a particular job; correct?<br/>                 20. . . . A. Correct.<br/>                 21. . . . Q. What is a comp- -- compa-ratio?<br/>                 22. . . . A. A compa-ratio is an employee's current<br/>                 23. salary position compared to the midpoint. So it's<br/>                 24. base salary divided by midpoint of the range.<br/>                 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<br/>                 2. below the midpoint for the range?<br/>                 3. . . . A. Yes.</p> |                  |
| <p><b>245:3-248:9</b></p> <p>3. . . . . THE WITNESS: And I should clarify that<br/>                 4. that job code and that particular employee, the<br/>                 5. range that represents that person would be the HQ<br/>                 6. range if it's an HQ location employee.<br/>                 7. . . . . MR. FINBERG: Q. Okay. Thank you.<br/>                 8. . . . . I think you said that -889 doesn't have the<br/>                 9. numbers.</p>  |                  |

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

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

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

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

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

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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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| <p>19· that discretion by the manager?<br/>                 20· . . . . MS. CONNELL:· Objection.· Calls for<br/>                 21· speculation.<br/>                 22· . . . . THE WITNESS:· I can't really speak for<br/>                 23· every manager on that.· It depends.<br/>                 24· . . . . MR. FINBERG:· Q.· Does the company give<br/>                 25· guidance?</p> <p><b>278</b></p> <p>1· . . . A.· Our training speaks to looking at internal<br/>                 2· equity with their peers within their -- on the team.<br/>                 3· . . . . Our training speaks to, you know, our --<br/>                 4· their position in the range; a -- possibly there's<br/>                 5· been an increase in responsibilities; a dive and<br/>                 6· save, as we spoke about yesterday.<br/>                 7· . . . Q.· A dive and save?<br/>                 8· . . . A.· Yes, meaning --<br/>                 9· . . . Q.· Can you explain what --<br/>                 10· . . . A.· I'm sorry.<br/>                 11· . . . Q.· -- that is?<br/>                 12· . . . A.· I -- I forgot.· I didn't -- I probably<br/>                 13· didn't use that term yesterday.<br/>                 14· . . . . That means they've come in with a<br/>                 15· competitive offer, and we are -- they, essentially,<br/>                 16· have a foot out the door, and we're diving to say,<br/>                 17· "No.· Take ours."<br/>                 18· . . . Q.· Okay.<br/>                 19· . . . A.· So a manager may find him- or herself in<br/>                 20· that situation.<br/>                 21· . . . . Off the top of my head, those are<br/>                 22· typically the main reasons.<br/>                 23· . . . Q.· Can you think of others?<br/>                 24· . . . . MS. CONNELL:· Counsel, as a point of<br/>                 25· clarification, are you talking about off-cycle</p> <p><b>279</b></p> <p>1· salary increases or any salary increases?<br/>                 2· . . . . MR. FINBERG:· Any salary increases.<br/>                 3· . . . . MS. CONNELL:· Including in-focal?<br/>                 4· . . . . MR. FINBERG:· Including in-focal.<br/>                 5· . . . . THE WITNESS:· Okay.<br/>                 6· . . . . MR. FINBERG:· Q.· I mean, that's how I<br/>                 7· understood the first paragraph here.<br/>                 8· . . . A.· Yes.<br/>                 9· . . . Q.· It's -- the salary review process is the</p> |                  |

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

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| 22. . . . . What does that term mean to Oracle?<br>23. . . . . MS. CONNELL:· Objection.· Vague and<br>24. ·ambiguous.· It's also beyond the scope of the PMK.<br>25. . . . . But she can answer in her personal  |                  |
| <b>281</b>   |                  |
| 1. ·capacity.<br>2. . . . . MR. FINBERG:· She said -- no, no, no.· She<br>3. ·said it's relevant to the compensation setting,<br>4. ·which is one of the topics she's designated for.<br>5. . . . . THE WITNESS:· I think I spoke to this a<br>6. ·little bit yesterday.<br>7. . . . . It's -- it's looking to the people on that<br>8. ·particular manager's team who perform similar work<br>9. ·with -- in similar location, similar -- it's -- it's<br>10. ·their peers.· It's their -- who do we align with,<br>11. ·and who do we say is sort of the group of people who<br>12. ·are performing similar work at -- at the same level.<br>13. . . . . MR. FINBERG:· Q.· And how were we defining<br>14. ·"similar work"?<br>15. . . . A.· It would be the product that they're<br>16. ·working on, the complexity of what they're working<br>17. ·on --<br>18. . . . . MS. CONNELL:· I assert an objection that<br>19. ·it calls for speculation as to what every manager<br>20. ·would deem "similar work."<br>21. . . . . THE WITNESS:· -- their duties.<br>22. . . . . Every -- many -- unless -- unless somebody<br>23. ·has truly a unique job at Oracle, there tends to be<br>24. ·at least a few peers that we consider, yes, they<br>25. ·have -- they have the same job. |                  |
| <b>282</b>   |                  |
| 1. . . . . MR. FINBERG:· Q.· And so you mentioned<br>2. ·their duties.<br>3. . . . . So the fact that you are writing code,<br>4. ·testing, debugging -- you would compare people who<br>5. ·performed those duties to other people who have<br>6. ·those duties; is that right?<br>7. . . . A.· It's --<br>8. . . . . MS. CONNELL:· Objection.· Incomplete<br>9. ·hypothetical and calls for speculation.<br>10. . . . . THE WITNESS:· It's usually way more<br>11. ·specific than that, because it really depends on the<br>12. ·product on which they're working.· It depends on  |                  |

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

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| <p>15. . . . . What controls, if any, does Oracle place<br/> 16. · on a manager's discretion?<br/> 17. . . . . MS. CONNELL:· Objection.· Assumes facts.<br/> 18. . . . . THE WITNESS:· This is where the<br/> 19. · relationship with the HR business partner comes<br/> 20. · into play.· We -- and/or a compensation analyst.<br/> 21. · Sometimes it's the three of them working together.<br/> 22. . . . . Our training speaks to helping the<br/> 23. · managers to make the best decision and educating<br/> 24. · them on where people should be in the range relative<br/> 25. · to their -- their location, their performance,</p> <p><b>286</b></p> <p>1. · their -- their level of -- of impact on the team and<br/> 2. · on the job.<br/> 3. . . . . So the -- the HR -- and -- and once they<br/> 4. · submit an increase, as we saw with the approval<br/> 5. · matrix, it goes to HR first.· So HR would have a --<br/> 6. · would have a look at what's been submitted and work<br/> 7. · with the manager if they have any concerns.<br/> 8. . . . . Generally, the HR manager often already<br/> 9. · knows because they've had conversations about it.<br/> 10. . . . . MR. FINBERG:· Q.· But I think you<br/> 11. · testified yesterday that HR simply consults.<br/> 12. . . . . They don't make decisions; correct?<br/> 13. . . . A.· Absolutely.<br/> 14. . . . Q.· And so it's the manager who has the<br/> 15. · discretionary authority, not HR; correct?<br/> 16. . . . A.· Correct.</p> |                  |
| <p><b>288:19-293:21</b></p> <p>19. . . . . MR. FINBERG:· Q.· Well, is there any<br/> 20. · feedback system to hold people -- to hold the line<br/> 21. · managers accountable to make sure that they're<br/> 22. · giving these raises consistent with objective, job-<br/> 23. · related factors, such as performance?<br/> 24. . . . . MS. CONNELL:· Objection.· Vague.<br/> 25. . . . . THE WITNESS:· Could you rephrase that,</p> <p><b>289</b></p> <p>1. · please?<br/> 2. . . . . MR. FINBERG:· Q.· Okay.· So managers are<br/> 3. · exercising discretion.<br/> 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<br/> 6· performing better, or are they exercising it in an<br/> 7· inappropriate way to reward their friends?<br/> 8· . . . . And the question is:· You have all this<br/> 9· discretion in this line manager.· What in the<br/> 10· system -- yes, they're given guidance from both the<br/> 11· training and from HR.· But they have the decision-<br/> 12· making authority.<br/> 13· . . . . What in the system is a check on their<br/> 14· exercising the discretion in an inappropriate way<br/> 15· and ensuring that they exercise it in an appropriate<br/> 16· way, such as to ensure high performers?<br/> 17· . . . . MS. CONNELL:· I'm going to object to the<br/> 18· preamble of the question and the notion that there's<br/> 19· an appropriate and inappropriate way to exercise<br/> 20· discretion.<br/> 21· . . . . MR. FINBERG:· And I worked so hard on that<br/> 22· preamble.<br/> 23· . . . . MS. CONNELL:· It assumes facts; it's an<br/> 24· incomplete hypothetical; it misstates the testimony<br/> 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.<br/> 2· . . . . But you can answer, if you're able to.<br/> 3· . . . . THE WITNESS:· I guess my -- my answer to<br/> 4· that would be that the -- we have mandatory<br/> 5· nondiscrimination training.· We have mandatory EEO<br/> 6· training.· We have mandatory ethics training.· We<br/> 7· have -- we have all of these trainings that managers<br/> 8· are required to take at Oracle that express the<br/> 9· importance to our company that people make ethical,<br/> 10· nondiscriminatory decisions.<br/> 11· . . . . And at the end of the day, as -- as huge<br/> 12· as we are, we can't possibly know what is in the<br/> 13· brain of every single manager who makes a pay-change<br/> 14· decision.<br/> 15· . . . . We look for the justifications.· We look<br/> 16· for a good basis to those justifications.· They have<br/> 17· to write those.<br/> 18· . . . . And as I said before, if they -- if they<br/> 19· lie and put together stuff that is a bunch of<br/> 20· garbage, the -- the hope would with that -- would be<br/> 21· that it would be discovered, and it would be grounds</p> |                  |

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

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

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

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

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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.</p> <p>11. . . . Q. Okay. Perfect.</p> <p>12. . . . A. Yes. And you'll notice that it's</p> <p>13. indicated that product -- there isn't an associated</p> <p>14. product with any of the IT or product development</p> <p>15. codes.</p> <p>16. . . . Q. Okay. But there are for support?</p> <p>17. . . . A. Yes.</p> <p>18. . . . Q. Okay. And is -- that's because if you're</p> <p>19. in support, you're supporting a particular product?</p> <p>20. . . . A. I believe that we talked about this</p> <p>21. yesterday.</p> <p>22. . . . I'm not as familiar with support, but it</p> <p>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</p> <p>25. HR database?</p> <p><b>301</b></p> <p>1. . . . A. I don't know.</p> <p>2. . . . Q. Okay. And what's an industry code?</p> <p>3. . . . A. I don't know the answer to that either.</p> <p>4. . . . Q. Do you know whether that's in the HR</p> <p>5. database?</p> <p>6. . . . A. I don't know.</p> <p>7. . . . Q. Okay.</p>  |                  |
| <p><b>301:8-16</b></p> <p>8. . . . A. I don't believe either the product or the</p> <p>9. industry code is required anymore. I think that is</p> <p>10. a recent change. And we should probably get rid of</p> <p>11. that sentence here.</p> <p>12. . . . Q. When was it no longer required?</p> <p>13. . . . A. I don't have any idea.</p> <p>14. . . . But it's not -- it's not familiar to me.</p> <p>15. I have not ever set up a job and used a product or</p> <p>16. industry code in my time here.</p>   |                  |
| <p><b>306:2-307:4</b></p> <p>2. . . . (Deposition Exhibit 49 was marked for</p> <p>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?<br/> 20. . . . A. Yes.<br/> 21. . . . Q. Do you know what group would have put this<br/> 22. out?<br/> 23. . . . A. It would have been the U.S. compensation<br/> 24. team.<br/> 25. . . . Q. So in HR or your group?</p> <p><b>308</b></p> <p>1. . . . A. It's not my group. There's a different<br/> 2. group for the U.S. compensation team. It's -- it's<br/> 3. comp, but not my team.<br/> 4. . . . Q. Was that the Lisa Gordon team?<br/> 5. . . . A. Lisa -- it's the -- oh, this would have<br/> 6. happened after Lisa, but it's those -- the U.S.<br/> 7. compensation --</p>  |                  |
| <p><b>312:8-313:1</b></p> <p>8. . . . .(Deposition Exhibit 51 was marked for<br/> 9. . . . .identification.)<br/> 10. . . . .MR. FINBERG: Q. The court reporter has<br/> 11. marked as Exhibit 51 what appears to be a PowerPoint<br/> 12. with the Bates No. 4714.<br/> 13. . . . .Do you recognize this?<br/> 14. . . . A. I do not recognize this specifically.<br/> 15. . . . .But, once again, much of it is just<br/> 16. repackaged content from Exhibit 24.<br/> 17. . . . Q. Okay. And this says:<br/> 18. . . . ."Q4FY15," which I take to be fiscal year<br/> 19. . . . .'15, "HR Webinar, Oracle Compensation."<br/> 20. . . . .It looks like the presenters are<br/> 21. Shawn DeValle --<br/> 22. . . . .Who's Shawn DeValle?<br/> 23. . . . A. He is an Oracle -- he was at this time an<br/> 24. Oracle compensation employee.<br/> 25. . . . Q. And is he still with Oracle?</p> <p><b>313</b></p> <p>1. . . . A. He is with Oracle still.</p> |                  |
| <p><b>316:15-317:8</b></p> <p>15. . . . .(Deposition Exhibit 53 was marked for<br/> 16. . . . .identification.)</p>   |                  |

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

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| <p>1. . . . . Do you recognize this?<br/> 2. . . . A. I do.<br/> 3. . . . Q. It has your name on the front.<br/> 4. . . . A. Yes.<br/> 5. . . . Q. Did you create this?<br/> 6. . . . A. I did.<br/> 7. . . . Q. What is it?<br/> 8. . . . A. It is the -- just a PowerPoint to -- to<br/> 9. give to our regional compensation leadership the<br/> 10. recently created global guidelines for equity grants<br/> 11. that were based on market research.<br/> 12. . . . Q. Okay. And those are set forth on the page<br/> 13. that says "FY...Global New Hire Equity Guidelines,"<br/> 14. and then "FY17 Global Annual Equity Grant<br/> 15. Guidelines"?<br/> 16. . . . A. Correct.</p>        |  |
| <p><b>331:17-332:4</b></p> <p>17. . . . . (Deposition Exhibit 56 was marked for<br/> 18. . . . . identification.)<br/> 19. . . . . MR. FINBERG: Q. The court reporter has<br/> 20. marked as Exhibit Plaintiff's 56 a document with the<br/> 21. Bates numbers -6579 through -6602.<br/> 22. . . . . Do you recognize this?<br/> 23. . . . A. Yes, I recognize it.<br/> 24. . . . Q. What is this?<br/> 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.<br/> 2. . . . Q. Who put this together?<br/> 3. . . . A. I believe somebody from our HR information<br/> 4. services team, our technical HR team.</p> |  |
| <p><b>336:7-348:23</b></p> <p><b>336</b></p> <p>7. . . . Q. It is your understanding that managers<br/> 8. hiring new people are instructed to collect<br/> 9. information about prior salary; correct?<br/> 10. . . . . MS. CONNELL: Objection. Asked and<br/> 11. answered.<br/> 12. . . . . MR. FINBERG: You can let her answer.</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. . . . .MS. CONNELL:· Lacks foundation.<br/> 14. . . . .THE WITNESS:· The word "instructed" -- I<br/> 15. ·wouldn't say "instructed."<br/> 16. . . . .MR. FINBERG:· Q.· Okay.· Given guidance<br/> 17. ·that that is a good thing to do?<br/> 18. . . . .MS. CONNELL:· Objection.· Lacks<br/> 19. ·foundation.<br/> 20. . . . .THE WITNESS:· I don't know.<br/> 21. . . . .MR. FINBERG:· Q.· How would you describe<br/> 22. ·it?<br/> 23. . . . A.· I'd describe it as a field in the offer<br/> 24. ·form.<br/> 25. . . . Q.· Okay.· A field that was in the offer form</p> <p><b>337</b></p> <p>1. ·from 2011 through October of 2017; correct?<br/> 2. . . . .MS. CONNELL:· Objection.· Lacks<br/> 3. ·foundation; calls for speculation.<br/> 4. . . . .THE WITNESS:· I'm not sure the dates that<br/> 5. ·it was -- that it was in there.<br/> 6. . . . .I know it is not in there anymore.<br/> 7. . . . .MR. FINBERG:· Q.· As of October 2017?<br/> 8. . . . A.· I believe that's correct.<br/> 9. . . . Q.· Because of a change in the law?<br/> 10. . . . A.· Yes, because of a change in California<br/> 11. ·law.<br/> 12. . . . Q.· Okay.· And before that, in California the<br/> 13. ·offer form did seek that information; correct?<br/> 14. . . . .MS. CONNELL:· Objection.· Lacks<br/> 15. ·foundation, and vague and ambiguous as to "offer<br/> 16. ·form."<br/> 17. . . . .THE WITNESS:· Which -- which form?<br/> 18. . . . .MR. FINBERG:· Q.· Well, the form that<br/> 19. ·somebody interacting -- people who interact with<br/> 20. ·potential new hires collect information from the<br/> 21. ·potential new hires; correct?<br/> 22. . . . A.· Possibly.<br/> 23. . . . Q.· Who -- who is involved in that process?<br/> 24. . . . A.· Which process?<br/> 25. . . . Q.· The process of collecting information from</p> <p><b>338</b></p> <p>1. ·potential new hires.<br/> 2. . . . A.· Probably recruiters and the hiring<br/> 3. ·manager, I would guess.</p> |                  |

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| <p>4. . . . Q. Okay. And is it your understanding that<br/>                     5. recruiters collected information about prior salary<br/>                     6. until October of 2017?<br/>                     7. . . . . MS. CONNELL: Objection. Misstates her<br/>                     8. testimony and asked and answered.<br/>                     9. . . . . THE WITNESS: I don't know that they<br/>                     10. always did that.<br/>                     11. . . . . MR. FINBERG: Q. Okay. But they<br/>                     12. generally did; correct?<br/>                     13. . . . . MS. CONNELL: Objection. Argumentative;<br/>                     14. asked and answered --<br/>                     15. . . . . THE WITNESS: I don't know.<br/>                     16. . . . . MS. CONNELL: -- and misstates her<br/>                     17. testimony.<br/>                     18. . . . . MR. FINBERG: Q. Is that your<br/>                     19. understanding?<br/>                     20. . . . . MS. CONNELL: Asked and answered.<br/>                     21. . . . . THE WITNESS: I don't know.<br/>                     22. . . . . MR. FINBERG: Q. Okay. You don't have<br/>                     23. any knowledge one way or the other?<br/>                     24. . . . A. I do not have knowledge one way or the<br/>                     25. other.</p> <p><b>339</b></p> <p>1. . . . Q. Okay. All right. You were involved in<br/>                     2. initial pay setting for new hires; correct?<br/>                     3. . . . . MS. CONNELL: Objection. Vague and<br/>                     4. ambiguous.<br/>                     5. . . . . MR. FINBERG: Q. On giving guidance to<br/>                     6. managers on how to set salary?<br/>                     7. . . . A. At one point in time in my career at<br/>                     8. Oracle, yes.<br/>                     9. . . . Q. Okay. When was that?<br/>                     10. . . . A. Well, I started at Oracle in '05 with the<br/>                     11. acquisition, and it was 2013 that I got out of the<br/>                     12. consultative role.<br/>                     13. . . . Q. So from '05 through 2013, you worked with<br/>                     14. people who were making hiring decisions and setting<br/>                     15. initial salary?<br/>                     16. . . . A. Sometimes.<br/>                     17. . . . Q. And during that time, you encouraged them<br/>                     18. to collect information about the current salary at<br/>                     19. the previous employer; correct?<br/>                     20. . . . . MS. CONNELL: Objection. Asked and</p> |                  |

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| 21· answered; assumes facts.<br>22· . . . . THE WITNESS:· I did not personally<br>23· encourage anybody to do that, no.<br>24· . . . . MR. FINBERG:· Q· The form that you asked<br>25· them to collect information with had a field that   |                  |
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| 1· asked them to get that information; correct?<br>2· . . . . MS. CONNELL:· Objection· Assumes facts.<br>3· . . . . THE WITNESS:· I did not ask them -- this<br>4· form had nothing to do with me.<br>5· . . . . MR. FINBERG:· Q· What does that mean?<br>6· . . . A· This offer form wasn't a compensation<br>7· form.<br>8· . . . . This is a standard candidate offer form.<br>9· . . . Q· So during that period, '05 through 2013,<br>10· you worked with managers who set initial<br>11· compensation for new hires to Oracle?<br>12· . . . . MS. CONNELL:· Objection· Asked and<br>13· answered.<br>14· . . . . MR. FINBERG:· Q· Correct?<br>15· . . . A· On occasion, if they asked.<br>16· . . . . But I was not their first line of -- of<br>17· consultation.<br>18· . . . Q· I see· Who was their first line?<br>19· . . . A· HR and recruiting.<br>20· . . . Q· And when would you get involved?<br>21· . . . A· Only if they were unsure of sort of where<br>22· to set or if they had -- they had questions and<br>23· would like a little bit of additional guidance.<br>24· . . . Q· And was one of the data points that you<br>25· discussed with them in those conversations the prior |                  |
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| 1· salary of the potential new employee?<br>2· . . . . MS. CONNELL:· Objection· Asked and<br>3· answered.<br>4· . . . . THE WITNESS:· It would depend.<br>5· . . . . MR. FINBERG:· Q· Was that typical that<br>6· that was part of the discussion?<br>7· . . . . MS. CONNELL:· Objection· Asked and<br>8· answered.<br>9· . . . . THE WITNESS:· Not necessarily.<br>10· . . . . MR. FINBERG:· Q· But it frequently was?<br>11· . . . . MS. CONNELL:· Objection· Asked and  |                  |

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| <p>12. answered.<br/>13. . . . .THE WITNESS: Not necessarily.<br/>14. . . . .MR. FINBERG: Q. But "not necessarily"<br/>15. means not all the time.<br/>16. . . . A. No.<br/>17. . . . Q. But it was many times?<br/>18. . . . .MS. CONNELL: Objection.<br/>19. . . . .THE WITNESS: You --<br/>20. . . . .MS. CONNELL: Asked and answered and<br/>21. argumentative.<br/>22. . . . .THE WITNESS: No. I don't -- I don't know<br/>23. the frequency.<br/>24. . . . .MR. FINBERG: Q. So sometimes it was?<br/>25. . . . .MS. CONNELL: Objection.</p>  |                  |
| <p><b>342</b><br/>1. . . . .THE WITNESS: It's possible.<br/>2. . . . .MS. CONNELL: Asked and answered and, at<br/>3. this point, argumentative.<br/>4. . . . .MR. FINBERG: Q. Let's go back to our<br/>5. friend Lisa Gordon, because I know Erin loves to<br/>6. talk about Lisa Gordon.<br/>7. . . . .(Discussion off the record.)<br/>8. . . . .MR. FINBERG: Q. All right. Let's look<br/>9. at page 8 of what was marked as Exhibit 17 (sic).<br/>10. . . . .(As read) "Ever go above the salary<br/>11. range?" is the heading.<br/>12. . . . .And the last sentence in that paragraph<br/>13. is:<br/>14. . . . ."Once in a while, someone could be brought<br/>15. in above the range. We look for special<br/>16. skills or for new people, we try to match<br/>17. what they made at the previous company."<br/>18. . . . .Do you see that?<br/>19. . . . A. No.<br/>20. . . . Q. I'm on page 8 of Exhibit 17 (sic).<br/>21. . . . .MR. THOREEN: Yeah. What did we do with<br/>22. this yesterday? This is the one that --<br/>23. . . . .THE WITNESS: I don't have page 8.<br/>24. . . . .(Sotto voce discussion between Mr. Finberg<br/>25. and Mr. Thoreen.)</p> |                  |
| <p><b>343</b><br/>1. . . . .MR. THOREEN: Yeah, it's --<br/>2. . . . .THE WITNESS: I don't have a page 8.</p>   |                  |

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| <p>3. . . . .MR. FINBERG:· It's not the one that's<br/>4. ·marked?<br/>5. . . . .MR. THOREEN:· It's not the one that was<br/>6. ·marked.<br/>7. . . . .MR. FINBERG:· Do you have one that has --<br/>8. ·Erin, do you have one that has page 8?<br/>9. . . . .MS. CONNELL:· I do.<br/>10. . . . .MR. FINBERG:· Can you show it to the<br/>11. ·witness, please?<br/>12. . . . .(Addressing Mr. Thoreen) And can you have<br/>13. ·Tess bring one that has all the pages?<br/>14. . . . .THE WITNESS:· Mine has only odd-numbered<br/>15. ·pages.<br/>16. . . . .MR. FINBERG:· Q.· All right.· Your counsel<br/>17. ·has one that has all the pages.<br/>18. . . . .MS. CONNELL:· My same objections to this<br/>19. ·exhibit stand.<br/>20. . . . .What's the question?<br/>21. . . . .MR. FINBERG:· Q.· At the end of that<br/>22. ·sentence, Lisa Gordon says:<br/>23. . . . ."...we try to match what they made at the<br/>24. . . . .previous company."<br/>25. . . . .Is that an accurate statement of Oracle's</p> |                  |
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| <p>1. ·policy with respect to prior pay from the period<br/>2. ·January 1, 2013 through October 2017?<br/>3. . . . .MS. CONNELL:· Objection.· Misstates facts<br/>4. ·and assumes facts.<br/>5. . . . .THE WITNESS:· Once again, as I said a lot<br/>6. ·yesterday, we don't really have compensation policy.<br/>7. . . . .If I read this response in full, I believe<br/>8. ·this is in relation to people coming in through an<br/>9. ·acquisition, an acknowledgment that sometimes they<br/>10. ·come in outside of range and once in a while they<br/>11. ·may come in above the range.<br/>12. . . . .And we don't -- we don't typically take an<br/>13. ·acquisition employee's salary down if it is over a<br/>14. ·range.<br/>15. . . . .So saying we try to match what they made<br/>16. ·at the previous company -- in an acquisition, we<br/>17. ·bring them over, as we discussed yesterday.<br/>18. . . . .MR. FINBERG:· Q.· And then she's asked<br/>19. ·below that:</p>                                |                  |

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| 20. . . . . "Prior Salary?"<br>21. . . . . She says (as read):<br>22. . . . . "Yes, that's a factor."<br>23. . . . . MS. CONNELL: Same objections to the<br>24. document.<br>25. . . . . MR. FINBERG: Q. So is that accurate,   |                  |
| <b>345</b>  |                  |
| 1. that from the period January 1, 2013 through October<br>2. of 2017, one of the factors that Oracle considered<br>3. when setting initial salary was prior salary?<br>4. . . . . MS. CONNELL: Objection. Misstates the<br>5. document.<br>6. . . . . THE WITNESS: It would depend.<br>7. . . . . But it could have possibly been considered<br>8. as a factor, along with many other things.<br>9. . . . . MR. FINBERG: Q. Okay. It was one of the<br>10. factors that was considered; correct?<br>11. . . . . MS. CONNELL: Objection. Misstates her<br>12. testimony and asked and answered.<br>13. . . . . She said, "It depends."<br>14. . . . . MR. FINBERG: Don't testify, Erin.<br>15. . . . . MS. CONNELL: I'm not testifying.<br>16. . . . . You keep asking her the --<br>17. . . . . MR. FINBERG: Erin --<br>18. . . . . MS. CONNELL: -- same question over and<br>19. over again; you get an answer you don't like.<br>20. . . . . MR. FINBERG: -- it's time to stop.<br>21. . . . . Let the witness testify.<br>22. . . . . MS. CONNELL: Don't talk to me that way.<br>23. . . . . You've asked her the same question over<br>24. and over again.<br>25. . . . . MR. FINBERG: Q. It was a factor? |                  |
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| 1. . . . . MS. CONNELL: No. She already answered<br>2. that question. And she said, "It depends."<br>3. . . . . THE WITNESS: I said it depends.<br>4. . . . . And I said that it may have been a<br>5. consideration in some cases, along with many other<br>6. factors.<br>7. . . . . MR. FINBERG: Q. Okay. So in some cases<br>8. it was a factor; correct?<br>9. . . . . A. I just said it could have been; it<br>10. depends. And it could have been a consideration  |                  |

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| <p>11· along with many other factors.<br/> 12· . . . Q· What would it depend on?<br/> 13· . . . A· I don't have any idea.<br/> 14· . . . . Sometimes it may have been provided;<br/> 15· sometimes it could have been offered up by an<br/> 16· employee.<br/> 17· . . . Q· What do you understand Exhibit 28 to mean<br/> 18· when it says that this field is "Mandatory"?<br/> 19· . . . . MS. CONNELL:· Calls for speculation.<br/> 20· . . . . THE WITNESS:· What do you mean?· What --<br/> 21· . . . . MR. FINBERG:· Q· Does "Mandatory" suggest<br/> 22· to you that collecting that information is required?<br/> 23· . . . . MS. CONNELL:· Calls for speculation.<br/> 24· . . . . THE WITNESS:· I -- the definition of the<br/> 25· word "mandatory"?· I -- I have no idea if it</p> <p><b>347</b></p> <p>1· actually would stop the offer from going out if it<br/> 2· wasn't completed.<br/> 3· . . . . MR. FINBERG:· Q· Let's go back to<br/> 4· Exhibit 24.<br/> 5· . . . . So let me direct your attention to<br/> 6· page -343.<br/> 7· . . . . And these are notes involving a<br/> 8· recruitment scenario· Do you see that?<br/> 9· . . . A· Yes.<br/> 10· . . . Q· And there's a sentence that says (as<br/> 11· read):<br/> 12· . . . . "Oftentimes, a premium of five to ten<br/> 13· . . . . percent will be required to lure a<br/> 14· . . . . candidate away from his or her current<br/> 15· . . . . job."<br/> 16· . . . . Do you see that?<br/> 17· . . . A· I do.<br/> 18· . . . Q· So does this indicate that in the training<br/> 19· that Oracle provides to managers about setting<br/> 20· initial compensation, it encourages them to get<br/> 21· information about what they were being paid at their<br/> 22· current job and not to pay more than five to ten<br/> 23· percent above that?<br/> 24· . . . . MS. CONNELL:· Objection· The document<br/> 25· speaks for itself.</p> <p><b>348</b></p> <p>1· . . . . THE WITNESS:· Not at all.</p> |                  |

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| <p>2. . . . .MR. FINBERG: Q. Well, isn't that what it<br/>3. says, that -- it says sometimes you have to pay a<br/>4. premium of five to ten percent to lure them away<br/>5. from the current job.<br/>6. . . . .So in order to pay a premium of five to<br/>7. ten percent above what they're making at the current<br/>8. job, you need to know what they're making at the<br/>9. current job; right?<br/>10. . . . .MS. CONNELL: Objection. The document<br/>11. speaks for itself and --<br/>12. . . . .MR. FINBERG: Q. Is that right?<br/>13. . . . A. In -- in this particular instance, yes,<br/>14. you'd have to know, but --<br/>15. . . . Q. Okay.<br/>16. . . . A. -- often employees would oft- -- employees<br/>17. would tell us, "I'm making X number."<br/>18. . . . .And this was to educate a manager to say,<br/>19. "Don't think you're going to be able to just match<br/>20. what they've told you they already make."<br/>21. . . . .We're going to of- -- oftentimes, we would<br/>22. have to do a premium in order to get them to come<br/>23. here.</p> |                  |
| <p><b>348:24-349:22</b></p> <p>24. . . . Q. A premium of five to ten percent is what<br/>25. they're encouraged to pay; right?</p> <p><b>349</b></p> <p>1. . . . A. Not at all.<br/>2. . . . That's an example, just saying, "Often<br/>3. you're going to need to give a premium. Five to ten<br/>4. percent might be a ballpark estimate of what the<br/>5. premium might be."<br/>6. . . . Q. And it's saying that what they're making<br/>7. in their current job is important information for<br/>8. you to be thinking about; right?<br/>9. . . . MS. CONNELL: Objection. Misstates the<br/>10. document.<br/>11. . . . THE WITNESS: It does not say that, no.<br/>12. . . . MR. FINBERG: Q. Well, you can only know<br/>13. what the premium above the current salary is if you<br/>14. know the current salary; right?<br/>15. . . . MS. CONNELL: Objection. Asked and<br/>16. answered. Asked and answered.</p>   |                  |

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| <p>17. . . . THE WITNESS: For this particular<br/> 18. statement, yes, you would have to know.<br/> 19. . . . But it isn't uncommon for a candidate to<br/> 20. tell a manager what they currently make.<br/> 21. . . . So this is not instruct- -- instructing<br/> 22. our managers to ask.</p>   |                         |
| <p><b>350:20-351:7</b></p> <p>20. . . . .(Deposition Exhibit 57 was marked for<br/> 21. . . . .identification.)<br/> 22. . . . .MR. FINBERG: Q. So the court reporter<br/> 23. has marked as Exhibit 57 --<br/> 24. . . . .(Discussion off the record.)<br/> 25. . . . .MR. FINBERG: Q. -- a document with the</p> <p><b>351</b></p> <p>1. Bates number -6674 through -76.<br/> 2. . . . .Do you recognize this document?<br/> 3. . . . A. I do.<br/> 4. . . . Q. What is this?<br/> 5. . . . A. It's an announcement of a new practice<br/> 6. that was put in place for U.S. compensation in<br/> 7. October.</p> |                         |
| <p><b>357:12-23</b></p> <p>12. . . . .(Deposition Exhibit 58 was marked for<br/> 13. . . . .identification.)<br/> 14. . . . .MR. FINBERG: Q. The court reporter has<br/> 15. marked as Exhibit 58 a document with the Bates<br/> 16. numbers -1584 through -1586.<br/> 17. . . . .Do you recognize this document?<br/> 18. . . . A. I do.<br/> 19. . . . Q. What is this?<br/> 20. . . . A. This is the FAQs that we have posted on a<br/> 21. manager website to help them through a Workforce<br/> 22. Compensation program, like focal, equity, or annual<br/> 23. bonus.</p>                                    |                         |
| <p><b>357:24-358:12</b></p> <p>24. . . . Q. So turning your attention to page -1586 --<br/> 25. . . . A. Uh-huh.</p>  |                         |

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| <p><b>358</b></p> <p>1. . . . Q. --- paragraph 9, it says:</p> <p>2. . . . Is Compensation History available for my</p> <p>3. . . . employees?"</p> <p>4. . . . And it says:</p> <p>5. . . . "Yes. There is a 'Compensation History'</p> <p>6. column in the Workforce Compensation</p> <p>7. worksheet."</p> <p>8. . . . Does that include information about prior</p> <p>9. salary at other companies?</p> <p>10. . . . A. Absolutely not.</p> <p>11. . . . Q. So it's just Oracle?</p> <p>12. . . . A. Oracle compensation history, yes.</p>  |                  |
| <p><b>358:13-25</b></p> <p>13. . . . .(Deposition Exhibit 59 was marked for</p> <p>14. . . . .identification.)</p> <p>15. . . . .MR. FINBERG: Q. The court reporter has</p> <p>16. marked as Plaintiff's Exhibit 59 a document with the</p> <p>17. Bates numbers -4850 through -59.</p> <p>18. . . . .Do you recognize this document?</p> <p>19. . . . A. I do.</p> <p>20. . . . Q. What is this?</p> <p>21. . . . A. It is a little positional -- as it states,</p> <p>22. an LOB -- a line of business alignment and a</p> <p>23. position alignment to job mapping for how we go</p> <p>24. about bringing acquisition employees to Oracle --</p> <p>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</p> <p>19. earlier, is to give employees from an acquired</p> <p>20. company the same salary that they were being paid at</p> <p>21. the acquired company; correct?</p> <p>22. . . . .MS. CONNELL: Objection. Vague as to time</p> <p>23. and misstates her testimony.</p> <p>24. . . . .THE WITNESS: The -- the -- the time part</p> <p>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</p> <p>2. mapping, bring everybody on board, keep them on par</p> <p>3. with where they were, and they'd get the same level,</p>                    |                  |

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| <p>4· the same package; nothing really changes. And they<br/>                     5· come in and they settle into Oracle.<br/>                     6· . . . . Most recently and -- and part of the<br/>                     7· reason we now have a playbook is there has been a<br/>                     8· realization that when we put in millions, in some<br/>                     9· cases billions, of dollars into an acquisition, the<br/>                     10· ability of Oracle to retain some of their key<br/>                     11· exception talent is critical to the success of the<br/>                     12· deal. And so there are -- there are times when we<br/>                     13· may do a change to their compensation, or as I<br/>                     14· mentioned yesterday, if they are within a couple of<br/>                     15· months of their own focal, we're now a little bit<br/>                     16· more open to saying, "Let them continue with their<br/>                     17· process. They were expecting it. They were already<br/>                     18· planning for it. They can go ahead and continue,<br/>                     19· and we will map them over at their new salaries<br/>                     20· based on their own focal that they already had in<br/>                     21· the works."<br/>                     22· . . . . MR. FINBERG: Q. But as this document,<br/>                     23· which was generated in 2017 indicates, bringing the<br/>                     24· employees from the acquired company in at their<br/>                     25· existing salaries at the acquired company is</p> <p><b>362</b></p> <p>1· standard, and increasing their salaries is<br/>                     2· non-standard; correct?<br/>                     3· . . . A. Where does it say that?<br/>                     4· . . . . MS. CONNELL: Where are you looking?<br/>                     5· . . . . MR. FINBERG: Q. Well, I'm looking at<br/>                     6· page -4856 where it says:<br/>                     7· . . . . "The following justification requirements<br/>                     8· . . . . must be adhered to."<br/>                     9· . . . . And the -- one, two, three -- fourth<br/>                     10· bullet point says:<br/>                     11· . . . . "Salary increase justifications should<br/>                     12· . . . . address the specifics of the request..."<br/>                     13· . . . . So if you're going to increase the salary,<br/>                     14· it's non-standard, and you need to justify it;<br/>                     15· correct?<br/>                     16· . . . . MS. CONNELL: Objection. The document<br/>                     17· speaks for itself, and you're also misstating the<br/>                     18· document.<br/>                     19· . . . . THE WITNESS: I -- I don't -- I'm not<br/>                     20· following that it says what you are saying it says.</p> |                  |

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| <p>21. . . . . MR. FINBERG: Q. How do you read it?<br/>                 22. . . . A. Simply that a salary increase<br/>                 23. justification should be addressed -- just as it's<br/>                 24. written.<br/>                 25. . . . Q. Well, this is under the paragraph under</p> <p><b>363</b></p> <p>1. "Non-Standard (Exception) Offers," right -- the<br/>                 2. heading?<br/>                 3. . . . A. Okay. Yes.<br/>                 4. . . . Q. Right?<br/>                 5. . . . A. Yes.<br/>                 6. . . . Q. So a salary increase is an offer that's a<br/>                 7. non-standard exception offer; correct?<br/>                 8. . . . . MS. CONNELL: Objection. Misstates the<br/>                 9. document.<br/>                 10. . . . . THE WITNESS: It's -- well, the first<br/>                 11. sentence says (as read):<br/>                 12. . . . . "Non-standard...are those that contain a<br/>                 13. . . . . change in job responsibility" or "status,"<br/>                 14. . . . . a "salary increase," a "retention bonus,<br/>                 15. . . . . stock options, et cetera."<br/>                 16. . . . . MR. FINBERG: Q. All right. So --<br/>                 17. . . . A. So I suppose --<br/>                 18. . . . Q. A salary increase is a non-standard offer;<br/>                 19. right?<br/>                 20. . . . A. According to this document, it is putting<br/>                 21. that in a lump of "among other things."<br/>                 22. . . . Q. Right. It's one of the non-standard<br/>                 23. offers?<br/>                 24. . . . A. Yeah, it would -- I mean, it would appear<br/>                 25. so.</p> <p><b>364</b></p> <p>1. . . . Q. Okay. And the other statement we looked<br/>                 2. at earlier, the CEO office closely scrutinizes the<br/>                 3. non-standard offers; right?<br/>                 4. . . . A. The document states that.<br/>                 5. . . . Q. Okay. Including salary increases;<br/>                 6. correct?<br/>                 7. . . . A. It's part of a non-standing (sic) -- it's<br/>                 8. part of a non-standard offer.<br/>                 9. . . . . Typically what this is -- this is talking<br/>                 10. about -- and it specifies often that -- or it<br/>                 11. specifies kind of the M6 and discretionary titles of</p> |                  |

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| <p>12. ·VP and SVP.<br/> 13. · . . . . And as I -- as I spoke about, often this<br/> 14. · non-standard piece is for top leadership at these<br/> 15. · companies because of how critical it is to be able<br/> 16. · to retain them at Oracle.<br/> 17. · . . . . So we generally refer to these exception<br/> 18. · offers as "critical" or "key offers" for employees<br/> 19. · for whom we may need to give a salary increase or<br/> 20. · retention bonus or stock offer or title change or<br/> 21. · status change.<br/> 22. · . . . . But it is -- it is the exception that<br/> 23. · those -- it would be a handful of them or less even.<br/> 24. · . . . . And that -- Mark or Safra do review those<br/> 25. · to make sure that the corporate development and HR</p> <p><b>365</b><br/> 1. · M and A team have agreed to who those offers should<br/> 2. · go to.</p> |   |
| <p><b>369:22-370:10</b></p> <p>22. · . . . . (Deposition Exhibit 60 was marked for<br/> 23. · . . . . identification.)<br/> 24. · . . . . (McKenzie Langvardt, Tess Imhof, and<br/> 25. · Daniel Yabion enter the deposition room.)</p> <p><b>370</b><br/> 1. · . . . . MS. CONNELL:· (Addressing the reporter)<br/> 2. · What exhibit are we on?<br/> 3. · . . . . THE REPORTER:· Sixty.<br/> 4. · . . . . MS. CONNELL:· Thank you.<br/> 5. · . . . . MR. FINBERG:· Q.· The court reporter has<br/> 6. · marked as –<br/> 7. · . . . . (Discussion off the record.)<br/> 8. · . . . . MR. FINBERG:· Q.· The court reporter has<br/> 9. · marked as Exhibit 60 a document with Bates numbers<br/> 10. · -1237 through -1240.</p>   | <p>Oracle objects that OFCCP has designated testimony that lacks foundation (369:22-370:05)</p> |
| <p><b>376:12-377:1</b></p> <p>12. · . . . . (Deposition Exhibit 62 was marked for<br/> 13. · . . . . identification.)<br/> 14. · . . . . MR. FINBERG:· Q.· The court reporter has<br/> 15. · marked as Exhibit 62 a document with the Bates<br/> 16. · numbers -5701 through -5702.<br/> 17. · . . . . Do you recognize that document?<br/> 18. · . . . . A.· Only as something that was shown to me by</p>  | <p>Oracle objects that OFCCP has designated testimony that lacks foundation</p>                 |

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| 19· my counsel when we met on Wednesday.<br>20· . . . Q· In your prep session?<br>21· . . . A· Yes.<br>22· . . . Q· You didn't prepare this document?<br>23· . . . A· I did not.<br>24· . . . Q· And you haven't seen it in the course of<br>25· your work? |                  |
| <b>377</b><br>1· . . . A· I have not.   |                  |



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| <p><b>7:12-8:25</b></p> <p>12. . . . Q. (By Mr. Song) But can you just give us<br/>13. your title, please.<br/>14. . . . A. Yes. My title is senior director, global<br/>15. compensation.<br/>16. . . . Q. Okay. And you were previously the<br/>17. director of global compensation --<br/>18. A. Yes.<br/>19. . . . Q. -- at Oracle?<br/>20. . . . . Okay. And I know you've been through this<br/>21. before as well, but can you just give us a quick summary<br/>22. of your duties?<br/>23. . . . A. Yes. So I am responsible for the -- any<br/>24. program that involves compensation that has a global<br/>25. focus, so my team runs the annual equity grant process</p>   |                  |
| <p><b>8</b></p> <p>1. when we have a merit or we call it a focal review for<br/>2. base salaries.<br/>3. . . . Q. Uh-huh.<br/>4. . . . A. When we run a corporate bonus, my team is<br/>5. responsible for the administration of that, the<br/>6. technology behind it, and setting up the administration<br/>7. and the timelines and the communications around that --<br/>8. those programs.<br/>9. . . . . In addition, I have someone on my team<br/>10. who's responsible for M&amp;A integration, the compensation<br/>11. decisions around acquiring employees and bringing them<br/>12. into the Oracle structure.<br/>13. . . . Q. Okay.<br/>14. . . . A. And I -- I'm responsible for salary survey<br/>15. submission, global salary survey submission for -- in<br/>16. order for us to do the market analysis of compensation<br/>17. packages.<br/>18. . . . Q. Okay.<br/>19. . . . A. And I have a -- a role doing -- preparing<br/>20. materials, compensation-related materials for the comp<br/>21. committee, the board of directors for our executives.<br/>22. What else?<br/>23. . . . Q. That's --<br/>24. . . . A. There is --<br/>25. . . . Q. That's good.</p> |                  |

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| <p><b>9:5-6</b></p> <p>5. . . . Q. And who do you report to?<br/>6. . . . A. I report to Phil Jenish.</p>   |                  |
| <p><b>40:6-9</b></p> <p>6. . . . Q. (By Mr. Song) How are compensation rules<br/>7. set at Oracle?<br/>8. . . . MS. CONNELL: Objection. Assumes facts.<br/>9. Vague and ambiguous. Lacks foundation.</p>  |                  |
| <p><b>40:10-41:15</b></p> <p>10. . . . A. What do you mean by “compensation rules”?<br/>11. . . . Q. (By Mr. Song) Okay. How about<br/>12. compensation policies?<br/>13. . . . MS. CONNELL: Objection. Assumes facts.<br/>14. Vague and ambiguous. Lacks foundation.<br/>15. . . . A. We don’t really have compensation<br/>16. policies. Our one policy related to compensation is the<br/>17. prior pay policy.<br/>18. . . . Q. (By Mr. Song) Uh-huh.<br/>19. . . . A. Other than that, we do not have policies<br/>20. at Oracle about compensation.<br/>21. . . . Q. Okay. So the one policy -- one<br/>22. policy you have at Oracle is regarding prior<br/>23. pay. So can we talk about that?<br/>24. . . . A. Sure.<br/>25. . . . Q. Can you tell me what that policy is,</p> <p><b>41</b></p> <p>1. please.<br/>2. . . . A. Effective October of 2017, managers may no<br/>3. longer ask prior pay of a candidate for Oracle’s -- for<br/>4. an Oracle job application.<br/>5. . . . Q. Okay. And why is that?<br/>6. . . . MS. CONNELL: Objection. Calls for<br/>7. speculation.<br/>8. But you can answer.<br/>9. . . . A. It was a policy change that -- I know that<br/>10. there was a change in the law in 2018, and we got ahead<br/>11. of what the law was -- was going to mandate in 2018.<br/>12. . . . Q. (By Mr. Song) Okay. And who decided that?<br/>13. . . . A. I don’t know.</p> |                  |

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| <p>14. . . . Q. You -- so you --<br/>                     15. . . . A. I did not --</p>   |                  |
| <p><b>43:6-14</b></p> <p>6. . . . Q. (By Mr. Song) So did you get an email<br/>                     7. stating this -- this new policy?<br/>                     8. . . . A. Yes.<br/>                     9. . . . Q. Okay. And do you remember who it was<br/>                     10. from?<br/>                     11. . . . A. Oracle HR.<br/>                     12. . . . Q. Okay. Anyone in particular at Oracle HR?<br/>                     13. . . . A. It wasn't the -- the "From:" was "Oracle<br/>                     14. HR." We --</p>   |                  |
| <p><b>52:14-53:4</b></p> <p>14. . . . Q. (By Mr. Song) Okay. If the policy -- if<br/>                     15. this policy of not using prior pay was enacted in '17,<br/>                     16. what was the prior policy on prior pay?<br/>                     17. . . . MS. CONNELL: Objection. Assumes facts.<br/>                     18. Lacks foundation.<br/>                     19. . . . A. I already testified to not having policy<br/>                     20. on, really, anything compensation related prior to that<br/>                     21. policy being enacted.<br/>                     22. . . . Q. Okay. In regards to this -- in enacting<br/>                     23. or implementing this new policy, did Oracle change any of<br/>                     24. its forms that it uses?<br/>                     25. . . . A. Yes.</p> <p><b>53</b></p> <p>1. . . . Q. Okay. Which ones?<br/>                     2. . . . A. There was a -- in our offer template, in<br/>                     3. our iRecruit system, there was a cell for a manager to<br/>                     4. enter current salary, and that was removed.</p> |                  |
| <p><b>53:11-54:3</b></p> <p>11. . . . Q. And was anything done to ensure that prior<br/>                     12. pay was not considered in compensation after the change<br/>                     13. in policy?<br/>                     14. . . . MS. CONNELL: Objection. Vague. Assumes<br/>                     15. facts.<br/>                     16. . . . A. When we -- when -- when compensation or HR<br/>                     17. trains to -- trains managers, trains HR, we -- the goal</p>  |                  |

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| <p>18· is to make managers knowledgeable and to make recruiters<br/>19· knowledgeable that it is no longer -- in this case, that<br/>20· prior pay is no longer allowed to be -- we cannot ask<br/>21· about it anymore.<br/>22· . . . Q· (By Mr. Song) Okay.<br/>23· . . . A· We have thousands of managers. We -- we<br/>24· don't go out and ask every manager if they ask that<br/>25· question.</p> <p><b>54</b></p> <p>1· . . . Q· Uh-huh.<br/>2· . . . A· But once we roll out and implement the<br/>3· training, we assume that our managers follow the policy.</p>   |                  |
| <p><b>55:8-57:5</b></p> <p>8· . . . Q· (By Mr. Song) But it was part of the<br/>9· iRecruitment form, correct?<br/>10· . . . MS. CONNELL: Objection. Vague.<br/>11· . . . Q· (By Mr. Song) Prior --<br/>12· . . . A· It -- it was a cell --<br/>13· . . . Q· Yeah.<br/>14· . . . A· -- in the iRecruitment form, yes.<br/>15· . . . Q· Okay. And was that a mandatory cell?<br/>16· . . . MS. CONNELL: Objection. Vague.<br/>17· . . . A· The prior -- the current salary, was what<br/>18· it was called, I believe. The current salary cell, it<br/>19· was -- it was marked with an asterisk, appearing that it<br/>20· was probably mandatory, but it absolutely was not<br/>21· mandatory. You could submit without.<br/>22· . . . Q· (By Mr. Song) Okay. And how do you know<br/>23· that?<br/>24· . . . A· Because I've seen numerous forms without<br/>25· that cell entered with a value in there.</p> <p><b>56</b></p> <p>1· . . . Q· Okay. And they would be submitted to you?<br/>2· . . . A· No -- well, actually, at -- back in 2013,<br/>3· when I was in that role, yes, I used to see some of<br/>4· these.<br/>5· . . . Q· Okay. And how many -- how many, would you<br/>6· say, that didn't have the -- the current salary cell<br/>7· completed?<br/>8· . . . A· I -- I don't know.<br/>9· . . . Q· Okay.</p> |                  |

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| <p>10. . . . A. That’s been six years. I will say, even<br/>11. if the cell was entered, there was a value in there --<br/>12. . . . Q. Uh-huh.<br/>13. . . . A. -- that you can’t assume that that was<br/>14. used to determine the new pay.<br/>15. . . . Q. Okay. An asterisk was there to denote<br/>16. that it was mandatory?<br/>17. . . . MS. CONNELL: Objection. Asked and<br/>18. answered.<br/>19. . . . A. The -- in general for online forms --<br/>20. . . . Q. (By Mr. Song) Uh-huh.<br/>21. . . . A. -- I am aware that the asterisk generally<br/>22. tells the user that it is a -- it is something that needs<br/>23. to be completed.<br/>24. . . . Q. Uh-huh.<br/>25. . . . A. Whether the form itself has a little</p> <p><b>57</b></p> <p>1. footnote that says, “The asterisk means you must<br/>2. complete,” I don’t recall.<br/>3. . . . Q. Uh-huh.<br/>4. . . . A. But I do know that the form could be<br/>5. submitted with that cell blank.</p>                       |                  |
| <p><b>58:1-60:24</b></p> <p>1. . . . Q. (By Mr. Song) Okay. So if it was -- so if<br/>2. it was used -- if it was included as a cell on the form<br/>3. and it was -- it was completed -- you testified that it<br/>4. was -- you received some forms without that cell being<br/>5. completed.<br/>6. . . . But you also saw forms where it was<br/>7. completed, correct?<br/>8. . . . A. Correct.<br/>9. . . . Q. Okay. And so this was -- this was -- this<br/>10. was something that was considered, then, in determining<br/>11. salary?<br/>12. . . . MS. CONNELL: Objection. Misstates her<br/>13. prior testimony. Assumes facts. Lacks foundation.<br/>14. . . . A. Yeah, I believe I already mentioned that<br/>15. just because it was on the form, doesn't mean it was<br/>16. considered in determining the new pay. You can --<br/>17. . . . Q. (By Mr. Song) But it --<br/>18. . . . A. -- reference a number but not have that be<br/>19. a deciding factor in your base salary.</p> |                  |

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| <p>20. . . . Q. Okay. But it was considered in some<br/>                 21. cases?<br/>                 22. . . . . MS. CONNELL: Objection. Misstates her<br/>                 23. testimony. Assumes facts.<br/>                 24. . . . Q. (By Mr. Song) Well, why would it -- why<br/>                 25. would it be there if it was -- and marked as mandatory if</p> <p><b>59</b></p> <p>1. it was never used?<br/>                 2. . . . . MS. CONNELL: Objection. Incomplete<br/>                 3. hypothetical.<br/>                 4. . . . Q. (By Mr. Song) Doesn't make any sense?<br/>                 5. . . . . MS. CONNELL: Calls for speculation and<br/>                 6. argumentative.<br/>                 7. . . . A. Whether specific -- again, we have<br/>                 8. thousands of managers. It could have just been a<br/>                 9. reference point. It may have been -- may have been used<br/>                 10. as a reference point. It may have just been there just<br/>                 11. because it was something on the form. It could have been<br/>                 12. something that the candidate offered up and they entered<br/>                 13. it in there and it made no difference to the offer<br/>                 14. whatsoever.<br/>                 15. . . . . It wasn't necessarily considered in<br/>                 16. determining their comp package. I don't think we can<br/>                 17. draw that conclusion.<br/>                 18. . . . Q. (By Mr. Song) Okay. Then why was the<br/>                 19. enactment of the prohibition on the use of prior pay<br/>                 20. necessary if it wasn't used?<br/>                 21. . . . . MS. CONNELL: Objection. Asked and<br/>                 22. answered and misstates her prior testimony. Calls for<br/>                 23. speculation.<br/>                 24. . . . A. The policy was enacted to ensure that<br/>                 25. managers knew going forward that it wasn't something they</p> <p><b>60</b></p> <p>1. were allowed to ask or consider. Whether they were doing<br/>                 2. that prior, I don't believe we can say for certain, but<br/>                 3. it wasn't prohibited prior to the policy being enacted.<br/>                 4. . . . Q. (By Mr. Song) Okay. So -- so Oracle<br/>                 5. doesn't know why it was included in this form?<br/>                 6. . . . . MS. CONNELL: Objection. Misstates her<br/>                 7. prior testimony.<br/>                 8. . . . . It's also 10:00, so if you want to --<br/>                 9. . . . Q. (By Mr. Song) Can you answer this?<br/>                 10. . . . . A. Yes.</p> |                  |

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| <p>11. . . . Q. And then we'll take a break.<br/>           12. . . . A. The -- it was included -- I believe it was<br/>           13. included as a point of reference because it was -- and it<br/>           14. was not prohibited by any law or by any policy. Whether<br/>           15. it was used as a point to determine the comp package, we<br/>           16. can't be certain. Sometimes maybe, never. Some managers<br/>           17. maybe used it or relied on it more; some managers maybe<br/>           18. didn't consider it at all.<br/>           19. . . . Q. Uh-huh.<br/>           20. . . . A. We don't have a way of knowing that. It<br/>           21. is up -- it is individual managers and we have thousands<br/>           22. of them.<br/>           23. . . . . But it wasn't prohibited prior to the<br/>           24. policy going out.</p>   | <p>Errata: Sometimes?<br/>           Maybe? Never?</p> |
| <p><b>65:2-66:4</b></p> <p>2. . . . . Just -- just a follow-up on something you<br/>           3. mentioned before the break.<br/>           4. . . . . You said after the training -- after you<br/>           5. conducted the prior pay policy -- or Oracle conducted the<br/>           6. prior pay policy training, Oracle assumed that the<br/>           7. managers would follow it; is that correct?<br/>           8. . . . A. I -- yes, I -- when we train our managers,<br/>           9. we --<br/>           10. . . . Q. Okay.<br/>           11. . . . A. -- expect that they will professionally<br/>           12. absorb that material and go forward with those --<br/>           13. . . . Q. Okay.<br/>           14. . . . A. -- policies and practices.<br/>           15. . . . Q. Okay. And is that true for other<br/>           16. compensation trainings, or I guess I should just say, any<br/>           17. trainings for Oracle?<br/>           18. . . . . MS. CONNELL: Objection. Vague.<br/>           19. . . . A. Is what true?<br/>           20. . . . Q. (By Mr. Song) That after training, that<br/>           21. managers will just -- that Oracle will assume managers<br/>           22. will follow the training guidelines or whatever the<br/>           23. training provides.<br/>           24. . . . . MS. CONNELL: Objection. Misstates her<br/>           25. testimony.</p> <p><b>66</b></p> <p>1. . . . A. I -- I mean, in any -- in any workplace</p> |  |

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| 2. ·when you train your managers on stuff, I think you should<br>3. ·be able to assume that they will then follow the policies<br>4. ·that they have been trained on.  |                  |
| <b>66:10-69:9</b><br><br>10. . . . Q. So because -- well, if you have a -- if<br>11. ·you have one policy versus you're just training on how<br>12. ·to, you know -- I don't know -- keep records of your<br>13. ·hours or something like that, it's not a -- because you<br>14. ·guys don't have any other compensation policies. Maybe<br>15. ·those might not be required or maybe you don't assume<br>16. ·that they -- well, I guess you -- maybe you assume they<br>17. ·follow it.<br>18. . . . . But those might be treated differently<br>19. ·than -- than this prior pay policy, which is a policy,<br>20. ·and it sounds like it's based on the change in the law?<br>21. . . . . MS. CONNELL: Objection. Compound. I'll<br>22. ·object to the preamble as lacks foundation and misstates<br>23. ·her prior testimony.<br>24. . . . A. I guess if you're -- if you're asking if<br>25. ·we -- we removed that prior pay cell in our offers?  |                  |
| <b>67</b><br>1. . . . Q. (By Mr. Song) Uh-huh.<br>2. . . . A. I'm not sure how we would go about<br>3. ·absolutely ensuring that it's enforced. We -- when we<br>4. ·hire our managers, we assume that they will take that<br>5. ·training and -- and they have HR consultants who work<br>6. ·with them as well and continue to enforce that: This is<br>7. ·the -- this is the policy. You may not -- you may not go<br>8. ·outside of the policy.<br>9. . . . Q. Okay. So they're required to follow that<br>10. ·policy?<br>11. . . . A. They are required to follow --<br>12. . . . Q. Okay.<br>13. . . . A. -- that policy.<br>14. . . . Q. But since there aren't other compensation<br>15. ·guidelines, what if -- if you had a -- if Oracle had<br>16. ·another -- a different or another compensation training,<br>17. ·would they be required to follow what -- you know, what<br>18. ·the training includes?<br>19. . . . . MS. CONNELL: Objection. Misstates her<br>20. ·prior testimony and vague and ambiguous.<br>21. . . . A. I guess, what do you -- what -- what do |                  |

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| 22. · you mean by other trainings? Which --<br>23. · . . . Q. (By Mr. Song) So if they had another --<br>24. · any other training, other than -- you have other<br>25. · compensation trainings – |                  |
| <b>68</b>   |                  |
| 1. · . . . A. Correct.  |                  |
| 2. · . . . Q. -- correct?   |                  |
| 3. · . . . . Okay. For those trainings, are the   |                  |
| 4. · managers required to abide by that -- by the training?   |                  |
| 5. · Like as in the prior pay, they're required to follow that  |                  |
| 6. · training, but what about other trainings?  |                  |
| 7. · . . . . MS. CONNELL: Objection. Vague and  |                  |
| 8. · ambiguous. Compound. And calls for speculation as to   |                  |
| 9. · which "trainings" you're referring to.   |                  |
| 10. · . . . A. Our compensation -- compensation 101   |                  |
| 11. · trainings are very educational.   |                  |
| 12. · . . . Q. (By Mr. Song) Uh-huh.  |                  |
| 13. · . . . A. And they're not -- I wouldn't say they're  |                  |
| 14. · required. We -- again, when we train our managers on  |                  |
| 15. · our -- our guidelines and our practices --  |                  |
| 16. · . . . Q. Uh-huh.  |                  |
| 17. · . . . A. -- we should be able to assume that they   |                  |
| 18. · will then go forward and -- and practice those. And   |                  |
| 19. · their compensation consultant and their HR consultant,  |                  |
| 20. · they're all trained and familiar.   |                  |
| 21. · . . . . So when we release a training, we assume  |                  |
| 22. · that that is the practice that goes forward.  |                  |
| 23. · . . . Q. All right. So for those trainings, Oracle  |                  |
| 24. · would assume that they're followed, but they're not   |                  |
| 25. · required to follow?   |                  |
| <b>69</b>   |                  |
| 1. · . . . . MS. CONNELL: Objection --  |                  |
| 2. · . . . A. I --  |                  |
| 3. · . . . . MS. CONNELL: -- misstates her testimony.   |                  |
| 4. · . . . A. I would say that there's -- like I said,  |                  |
| 5. · we're huge. There's no way for us to know whether every  |                  |
| 6. · single manager absolutely follows everything about all of  |                  |
| 7. · our guidelines and policies, but yes, we assume that we  |                  |
| 8. · have trained you and you are going to go forward in your   |                  |
| 9. · job following the trainings and the guidelines.  |                  |

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| <p><b>69:25-72:4</b></p> <p>25. . . . Q. Okay. Are there -- so you testified</p> <p><b>70</b></p> <p>1. earlier that there's only one compensation policy, but</p> <p>2. are there -- does Oracle have compensation practices,</p> <p>3. guidelines, processes?</p> <p>4. . . . A. We do. We have --</p> <p>5. . . . Q. Okay.</p> <p>6. . . . A. -- guidelines and we have policies -- or</p> <p>7. not -- guidelines and practices. And I will add for the</p> <p>8. policies piece, we have that policies posted internally</p> <p>9. on Manager Essentials. Managers see it when they log in</p> <p>10. to our website. We make sure it's known that that policy</p> <p>11. is -- is in effect, and it must be followed regarding</p> <p>12. prior pay.</p> <p>13. . . . Q. Okay.</p> <p>14. . . . A. We -- our other -- we give guidelines for</p> <p>15. how to -- for how to -- how to make pay decisions, for</p> <p>16. how to use a salary range, for how to determine our -- or</p> <p>17. on the importance of determining the correct job code</p> <p>18. when you're going to post the job --</p> <p>19. . . . Q. Uh-huh.</p> <p>20. . . . A. -- that applicants would apply to. We</p> <p>21. give those kinds of guidelines as well, and there are</p> <p>22. trainings and information on those guidelines and</p> <p>23. practices also available to our managers online.</p> <p>24. . . . Q. Okay. So -- so guidelines are not</p> <p>25. policies, but are they more recommendations or best</p> <p><b>71</b></p> <p>1. practices?</p> <p>2. . . . A. I would say best practices, and the --</p> <p>3. they kind of outline the things we want to make sure that</p> <p>4. people consider when making compensation decisions.</p> <p>5. . . . Q. Okay. And are managers required to follow</p> <p>6. guidelines?</p> <p>7. . . . MS. CONNELL: Objection. Vague. And</p> <p>8. compound as to which guidelines.</p> <p>9. . . . A. Yeah. I would say it depends. There are</p> <p>10. guidelines for most situations and scenarios.</p> <p>11. . . . Q. (By Mr. Song) Uh-huh.</p> <p>12. . . . A. But every single situation -- every single</p> |                  |

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| <p>13· individual situation does not necessarily -- there are<br/>14· exceptions to guidelines as well, for -- for valid<br/>15· reasons, I would say.<br/>16· . . . Q· Okay.<br/>17· . . . A· So we put them out there as best<br/>18· practices, but understand that there could be<br/>19· circumstances where something different is decided.<br/>20· . . . Q· Okay. And what guideline -- what<br/>21· compensation guidelines does Oracle have?<br/>22· . . . A· We have -- we have guidelines on how to<br/>23· determine the compensation -- how to determine new hire<br/>24· salary.<br/>25· . . . Q· Okay.</p> <p><b>72</b></p> <p>1· . . . A· How to determine internal transfer salary,<br/>2· a rehire -- rehire guidelines. Some internal mobility<br/>3· guidelines. How to use a range, how to use the salary<br/>4· range.</p>  |                  |
| <p><b>74:20-79:1</b></p> <p>20· . . . A· Going back to the 2011 comp 101 trainings<br/>21· that are part of our exhibits, yes.<br/>22· . . . Q· Okay. Were you personally involved in<br/>23· developing all of them, or just some of them?<br/>24· . . . A· I would say of the guidelines that are in<br/>25· place today.</p> <p><b>75</b></p> <p>1· . . . Q· Uh-huh.<br/>2· . . . A· I -- like I said, I don't remember off the<br/>3· top of my head --<br/>4· . . . Q· Sure.<br/>5· . . . A· -- exactly -- exactly all of them, but I<br/>6· had a role in either -- either a project management role<br/>7· that the trainings -- those trainings slides, I was the<br/>8· project manager for that globally, so yes.<br/>9· . . . . The other ones that are more recent, I<br/>10· absolutely -- because -- because so many of our<br/>11· guidelines and trainings are global in nature, I<br/>12· absolutely had a role, either as part of the committee or<br/>13· as one of the reviewers or -- yes, I played a role in<br/>14· that.<br/>15· . . . . The only one I didn't was that U.S. -- the</p> |                  |

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| <p>16· U.S. pay -- the prior pay.<br/>17· . . . Q· Okay.<br/>18· . . . A· Because my role is global.<br/>19· . . . Q· Okay. Then what is the process of<br/>20· developing these guidelines?<br/>21· . . . A· We would -- we get -- determine who would<br/>22· like to be part -- or we -- yeah, we determine who would<br/>23· like to be part of this team. We say: We're going to<br/>24· work on, for example, a new internal transfer guideline.<br/>25· . . . Q· Uh-huh.</p>   |                  |
| <p><b>76</b><br/>1· . . . A· "Who might we need to be part of that?"<br/>2· . . . . And it would be, you know, someone from --<br/>3· someone from a couple different regions of compensation,<br/>4· someone from a couple different regions of HR. We try to<br/>5· make sure we have global representation so we don't just<br/>6· have a U.S. lens on everything.<br/>7· . . . . And then we have somebody from our<br/>8· internal HR comms team who's been assigned to<br/>9· compensation, and he helps us to kind of bring it all<br/>10· together and get it into a nice, presentable --<br/>11· presentable format.<br/>12· . . . . And then from there, when we have our --<br/>13· we come to our agreement, we get reviewed by HR<br/>14· leadership and also legal, our internal counsel.<br/>15· . . . Q· Okay. And do you remember any of the<br/>16· specific people that worked on this with you?<br/>17· . . . . MS. CONNELL: Objection. Vague as to<br/>18· which guidelines.<br/>19· . . . A· Yeah. Which ones? It's varied.<br/>20· . . . Q· (By Mr. Song) Well, there's -- I hate to<br/>21· go over each one of them, but let me see the most -- how<br/>22· about the salary or compensation guidelines?<br/>23· . . . A· Meaning the compensation 101 trainings --<br/>24· . . . Q· Yeah.<br/>25· . . . A· -- that are part of --</p> |                  |
| <p><b>77</b><br/>1· . . . Q· Yeah.<br/>2· . . . A· -- the exhibits?<br/>3· . . . Q· Okay. Yeah. We'll start there.<br/>4· . . . A· So that -- that would be -- and can I<br/>5· assume you mean U.S. representation only?<br/>6· . . . Q· Yes.</p>  |                  |

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| <p>7. . . . A. That would have been -- it was, like I<br/> 8. said, back in 2011, so it would have been Lynne Carrelli;<br/> 9. at the time, she was Lynne Palmer.<br/> 10. . . . Q. Okay.<br/> 11. . . . A. And then from there, the rest of the<br/> 12. people haven't been with Oracle for a while, so the rest<br/> 13. of them were other regions.<br/> 14. . . . Q. Okay.<br/> 15. . . . A. The manager in charge of comp is not<br/> 16. around anymore. But Emily Sullivan from Oracle legal was<br/> 17. part of the review.<br/> 18. . . . . And at the time, we didn't even have a<br/> 19. marketing compen- -- a marketing communications -- or a<br/> 20. HR communications person, sorry. So it was -- that was<br/> 21. mostly the compensation consultants from around the<br/> 22. world followed by a legal review on that.<br/> 23. . . . Q. All right. What about the salary range<br/> 24. guidelines?<br/> 25. . . . A. The same. That's --</p> <p><b>78</b></p> <p>1. . . . Q. The same?<br/> 2. . . . A. That's all part of that training from<br/> 3. 2011.<br/> 4. . . . Q. All right. And who specifically needed --<br/> 5. or approved the guidelines?<br/> 6. . . . . MS. CONNELL: Objection. Assumes facts.<br/> 7. . . . A. Again, it was the -- when we say<br/> 8. "guidelines," to me, it's more about trainings and how to<br/> 9. make some decisions, and we documented the things that<br/> 10. should be considered in various situations or --<br/> 11. depending on which module you're talking about.<br/> 12. . . . Q. (By Mr. Song) Uh-huh.<br/> 13. . . . A. So, really, the -- the approval of the<br/> 14. content within the trainings, what -- came from the<br/> 15. compensation leader at the time. We -- like I said, it<br/> 16. was a team of regional compensation folks that worked on<br/> 17. it. And then we would have gotten compensation sign-off<br/> 18. from our comp leader at the time, her name was Sue<br/> 19. Charley, back in 2011.<br/> 20. . . . Q. Okay.<br/> 21. . . . A. And then to get our sign-off from Emily<br/> 22. Sullivan in legal to say, "Yes, you know, what you have<br/> 23. in here is -- is perfectly fine."</p> |                  |

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| <p>24. ·So that would -- I mean, that would have<br/>25. ·been the extent of it, the people who were in the – who</p> <p><b>79</b><br/>1. ·I named in the committee before.</p>  |                  |
| <p><b>79:2-20</b></p> <p>2. . . . Q. Okay. And these guidelines are<br/>3. ·communicated and -- communicated to staff and managers<br/>4. ·through trainings, correct?<br/>5. . . . A. Through the trainings, yes.<br/>6. . . . Q. Okay. And is there any other way that<br/>7. ·they're implemented?<br/>8. . . . MS. CONNELL: Objection. Vague.<br/>9. . . . A. So not -- no, except that the -- I<br/>10. ·would -- I would say that the -- the -- in consultation<br/>11. ·with, the managers consult with their HR business<br/>12. ·partners often when they're making -- making decisions<br/>13. ·related to pay.<br/>14. . . . Q. (By Mr. Song) Okay.<br/>15. . . . A. And so as far as, you know, an official<br/>16. ·implementation, other than the trainings themselves, not<br/>17. ·really. But then when they go to consult with their HR<br/>18. ·business partner, their HR business partner would speak<br/>19. ·to what's also in the trainings as part of their guidance<br/>20. ·when they have their conversations with the managers.</p> |                  |
| <p><b>79:21-80:1</b></p> <p>21. . . . Q. Okay.<br/>22. . . . A. So not really implemented, but how it's<br/>23. ·enforced and how it gets used --<br/>24. . . . Q. Okay.<br/>25. . . . A. -- would be via their consultation with HR</p> <p><b>80</b><br/>1. ·or comp.</p>   |                  |
| <p><b>81:19-82:4</b></p> <p>19. . . . Q. Okay. And are managers required to take<br/>20. ·these trainings on guidelines?<br/>21. . . . A. The trainings are not required, no.<br/>22. . . . Q. Okay.</p>   |                  |

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| <p>23. . . . . MS. CONNELL: For the record, you mean the<br/>24. ·compensation guidelines, correct?<br/>25. . . . . MR. SONG: Yes. Yeah. We're talking –</p> <p><b>82</b></p> <p>1. . . . . A. Yes.<br/>2. . . . . MR. SONG: -- about compensation.<br/>3. . . . . A. Sorry. Compensation guidelines. They are<br/>4. ·not required to take the trainings, no.</p>  |                  |
| <p><b>90:15-93:22</b></p> <p>15. . . . . Q. Okay. Let me show you an exhibit that I<br/>16. ·believe you're familiar with, you've seen before.<br/>17. . . . . So this --<br/>18. . . . . THE COURT REPORTER: Just a second.<br/>19. . . . . MR. GARCIA: Just for the record, are you<br/>20. ·putting a new exhibit number on it?<br/>21. . . . . THE COURT REPORTER: You didn't want me<br/>22. ·to?<br/>23. . . . . MR. SONG: Oh, no, I'm sorry. I was just<br/>24. ·about to say that this was previously marked as<br/>25. ·Exhibit 7.</p> <p><b>91</b></p> <p>1. . . . . THE COURT REPORTER: Okay.<br/>2. . . . . MR. SONG: So it's from Ms. Waggoner's<br/>3. ·deposition.<br/>4. . . . . MS. CONNELL: And this (indicating) should<br/>5. ·be 121, right?<br/>6. . . . . MR. SONG: We thought it was 120.<br/>7. . . . . MR. GARCIA: It's 120.<br/>8. . . . . MS. CONNELL: Oh, 120.<br/>9. . . . . MS. JAMES: Sorry.<br/>10. . . . . MS. CONNELL: My mistake.<br/>11. . . . . Q. (By Mr. Song) So the document I just<br/>12. ·handed to you was shown to you during your previous<br/>13. ·deposition.<br/>14. . . . . A. Yeah.<br/>15. . . . . Q. And it's marked as Exhibit 7.<br/>16. . . . . A. Okay.<br/>17. . . . . Q. Do you recognize this document? I'll give<br/>18. ·you a few minutes to read it over.</p> |                  |

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| 19. . . . . (A pause occurred in the proceedings.)<br>20. . . . A. Yes, I do.<br>21. . . . Q. Okay. Can you tell us what this is?<br>22. . . . A. So this is another -- when -- when I was<br>23. . . . testifying previously, I was thinking more of those comp<br>24. . . . 101 modules that are on various topics from 2011, like<br>25. . . . the managing pay and how to use salary ranges and those.   |                  |
| <b>92</b>  |                  |
| 1. . . . This is kind of a compilation of all of those --<br>2. . . . Q. Okay.<br>3. . . . A. -- that were delivered live, and this<br>4. . . . would have been by Kris Edwards, U.S. compensation team.<br>5. . . . . So yeah, Kris Edwards would have been part<br>6. . . . of it, and any number of people on her team could have<br>7. . . . possibly -- I don't know who -- I don't know personally<br>8. . . . who developed -- or who presented this at the time.<br>9. . . . Q. Okay.<br>10. . . . A. But it would have been a member of the<br>11. . . . U.S. compensation team.<br>12. . . . Q. Okay. Do you recall -- or do you know if<br>13. . . . these guidelines, the guidelines contained in this<br>14. . . . training, are still current?<br>15. . . . A. Yes, they are.<br>16. . . . Q. Okay. And is this the latest version of<br>17. . . . this training, July 2016?<br>18. . . . A. To my knowledge, yes, and if you review in<br>19. . . . great detail, much of it is, like I said, pieces of 2011.<br>20. . . . We -- they still apply.<br>21. . . . Q. Okay.<br>22. . . . A. Yeah.<br>23. . . . Q. So this would be the -- the operative<br>24. . . . training for these guidelines?<br>25. . . . . MS. CONNELL: Objection. Misstates her |                  |
| <b>93</b>  |                  |
| 1. . . . testimony.<br>2. . . . A. This -- this is a compilation of all of<br>3. . . . those different topics.<br>4. . . . Q. (By Mr. Song) Okay.<br>5. . . . A. When we did the 2011 initially, it was<br>6. . . . intended to be short snippets of information, so that<br>7. . . . managers could go on Demand and watch for 20 minutes on<br>8. . . . this topic or 15 minutes on that topic.  |                  |

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| <p>9. . . . . And in this, the U.S. compensation team --</p> <p>10. ·because they are the consultative wing, that’s who HR</p> <p>11. ·goes to to ask them questions -- they brought all of it</p> <p>12. ·together into one so that they could do a live -- a live</p> <p>13. ·version.</p> <p>14. . . . Q. Okay.</p> <p>15. . . . A. And so yes, this is -- this is still --</p> <p>16. ·still valid.</p> <p>17. . . . Q. Okay. So these are the currently</p> <p>18. ·operative guidelines contained in this training?</p> <p>19. . . . A. I believe so.</p> <p>20. . . . . MS. CONNELL: Object.</p> <p>21. . . . . THE WITNESS: Oh, I’m sorry.</p> <p>22. . . . A. For compensation.</p>   |                  |
| <p><b>99:23-103:23</b></p> <p>23. . . . Q. Okay. Can you turn to Slide 4. It’s</p> <p>24. ·Bates Number 56234-5.</p> <p>25. . . . A. Uh-huh.</p> <p><b>100</b></p> <p>1. . . . Q. And have you seen a picture of this slide</p> <p>2. ·before?</p> <p>3. . . . A. Oh, yes.</p> <p>4. . . . Q. Okay. And I think I forgot to ask you,</p> <p>5. ·were you involved in drafting or developing this</p> <p>6. ·training?</p> <p>7. . . . A. This particular training, I was not.</p> <p>8. . . . Q. Okay. Do you need a second to review it,</p> <p>9. ·or --</p> <p>10. . . . A. No.</p> <p>11. . . . Q. No? Okay.</p> <p>12. . . . A. Very familiar.</p> <p>13. . . . Q. Okay. And this -- this slide -- can you</p> <p>14. ·just describe it for me?</p> <p>15. . . . A. So this slide gives an example of what our</p> <p>16. ·global job table would look like. It explains to</p> <p>17. ·managers that we have unique job codes. And then from</p> <p>18. ·there, there is a system job title, a function that</p> <p>19. ·explains the type of work being performed, a specialty</p> <p>20. ·area that gets a little bit more specific about the type</p> <p>21. ·of work being performed, and then the global career level</p> <p>22. ·that represents where in our broad hierarchical structure</p> |                  |

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| <p>23. ·that job code falls.<br/>24. · . . . Q. Okay. Can you explain each global career<br/>25. ·level a little bit more in detail, please.</p> <p><b>101</b></p> <p>1. · . . . A. Yes. So there are two tracks: We have<br/>2. ·the individual contributor track, and we have the manager<br/>3. ·track. And the individual contributor track, entry level<br/>4. ·would be -- it goes IC -- it actually starts at IC-0.<br/>5. ·The IC-0s are more administrative-type roles.<br/>6. · . . . . So within IC-0, we would have<br/>7. ·Administrative-1, Administrative-2, A-1, A-2, A-3, A-4.<br/>8. ·And that's for, like, admin assistants and some of our --<br/>9. ·I believe, like, our -- some of our help desk and more --<br/>10. ·just more junior administrative-type roles sit in that<br/>11. ·IC-0.<br/>12. · . . . Q. Uh-huh.<br/>13. · . . . A. IC-1 is entry level. Like fresh out of<br/>14. ·college, you don't have any experience, but it's on the<br/>15. ·professional ranks, like our developers or our programmer<br/>16. ·analysts or whoever that might be.<br/>17. · . . . . So it goes IC-4, all the way up -- IC's<br/>18. ·actually go all the way up to I -- we have an IC-7 in<br/>19. ·product development, but that's a guru, and I think we've<br/>20. ·only ever had one or two people in that job code in the<br/>21. ·history of Oracle, so that we --<br/>22. · . . . Q. Okay.<br/>23. · . . . A. -- in that level in the history of Oracle,<br/>24. ·so I don't -- we don't really talk about having IC-7.<br/>25. · . . . Q. Okay.</p> |                  |
| <p><b>102</b></p> <p>1. · . . . A. For most jobs, it goes IC-1 through IC-6.<br/>2. ·And IC-6 is the highest-level individual contributor we<br/>3. ·have in our table.<br/>4. · . . . . For managers, it starts at M-1, which is<br/>5. ·entry-level supervisory, and goes all the way up to M-10,<br/>6. ·and our M-10 are our CEOs. Most of our employees fall in<br/>7. ·the M-2 to M-6. And M-6 would represent, like, the VP<br/>8. ·level; M-2 is, like, first-line manager.<br/>9. · . . . Q. Okay.<br/>10. · . . . A. And there is no -- you'll see on one of<br/>11. ·these other -- on the next page, there is no correlation.</p>   |                  |

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| <p>12· ·Like just because you’re an IC-4, if you move to manager,<br/> 13· ·it doesn’t mean you’ll be a specific level of manager.<br/> 14· ·Every case is evaluated on its own merit, every<br/> 15· ·individual is evaluated on its own merit. So we really<br/> 16· ·view it as two completely independent tracks.<br/> 17· · . . . Q· Okay. And what about job code?<br/> 18· · . . . A· What about it?<br/> 19· · . . . Q· Can you explain what that is and how it’s<br/> 20· ·used?<br/> 21· · . . . A· Okay. It’s --<br/> 22· · . . . . MS. CONNELL: Objection. Compound.<br/> 23· · . . . . But you can answer.<br/> 24· · . . . A· Okay. It is a -- just a unique identifier<br/> 25· ·for a very general bucket of overarching responsibilities</p> <p><b>103</b></p> <p>1· ·at a specific career level. So it is -- it is -- it<br/> 2· ·tells us, like a -- like the software developer 3, this<br/> 3· ·10530 is the unique identifier for software developer 3.<br/> 4· ·That tells us at the IC-3 level, which is five to eight<br/> 5· ·years of experience, know -- know what you’re doing, but<br/> 6· ·not super-seasoned in your career, but not fresh, either.<br/> 7· ·Kind of right in the middle.<br/> 8· · . . . Q· (By Mr. Song) Uh-huh.<br/> 9· · . . . A· And the -- the software developer<br/> 10· ·responsibility, the -- the duties under that are very<br/> 11· ·broad and overarching. It just means they work on<br/> 12· ·developing our products. Which product or what kind of<br/> 13· ·work they do in developing those products, you don’t know<br/> 14· ·by the job code.<br/> 15· · . . . Q· Okay. And how -- does job code factor<br/> 16· ·into compensation at all?<br/> 17· · . . . . MS. CONNELL: Objection. Vague.<br/> 18· · . . . A· Each job code is assigned a very broad<br/> 19· ·range, so we have an idea of where compensation may fall<br/> 20· ·for that code.<br/> 21· · . . . Q· (By Mr. Song) Uh-huh.<br/> 22· · . . . A· But the code itself doesn’t really tell<br/> 23· ·you a whole lot.</p> |                  |
| <p><b>103:24-104:12</b></p> <p>24· · . . . Q· Okay. What about the IC level?</p>  |                  |

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| <p>25. . . . A. Again, each code can only have one IC</p> <p><b>104</b></p> <p>1. level.</p> <p>2. . . . Q. Okay.</p> <p>3. . . . A. And so we have -- I mean, we have IC-3s,</p> <p>4. hundreds of IC-3 -- every single function across the</p> <p>5. company -- or every single job family across the company</p> <p>6. has an IC-3. So IC-3 doesn't really tell you much about</p> <p>7. your comp.</p> <p>8. . . . Q. Okay.</p> <p>9. . . . A. It would be the -- the job code is</p> <p>10. assigned to a broad range, but then getting down to comp</p> <p>11. has to do with: What are you working on? Where do you</p> <p>12. work? Much more specific to the individual.</p>                                    |                  |
| <p><b>106:9-16</b></p> <p>9. . . . Q. Okay. And who selects these job codes?</p> <p>10. . . . MS. CONNELL: Objection. Assumes facts</p> <p>11. and vague and ambiguous.</p> <p>12. . . . A. So, I guess, what -- what do you mean by</p> <p>13. who "selects" them?</p> <p>14. . . . Q. (By Mr. Song) Well, who -- who creates</p> <p>15. them? Like, where do they come from? They must come</p> <p>16. from somewhere.</p>   |                  |
| <p><b>106:17-110:3</b></p> <p>17. . . . A. Yes. So our -- our global job table, the</p> <p>18. initial table that had this format, I believe dates back</p> <p>19. to, like, 1999. It's been in existence for a very long</p> <p>20. time.</p> <p>21. . . . Q. Okay.</p> <p>22. . . . A. In -- originally, it was built, really, we</p> <p>23. used kind of industry standards, our surveys, to see what</p> <p>24. kind of buckets are out there and what kind of work we</p> <p>25. have being performed. And that was the start of this</p> <p><b>107</b></p> <p>1. initial global table.</p> <p>2. . . . As we've progressed and as we've acquired</p> <p>3. different companies, we -- a need for a family that</p> |                  |

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| <p>4· hasn't ever existed before might be raised by a manager<br/>                     5· or by someone to say, "We've got this whole new group of<br/>                     6· employees who are doing something we've not ever done<br/>                     7· before." Say, for example, in the case of an -- of an<br/>                     8· M&amp;A, of an acquisition, and they might ask, "Could we get<br/>                     9· a new family, because what we have in our existing<br/>                     10· structure doesn't work for us?"<br/>                     11· . . . . And so then there is a whole vetting<br/>                     12· process of, "Are we sure it's new?" We say, if a job --<br/>                     13· if the duties are, like, a 70 percent match, we say,<br/>                     14· "That's not different enough. We have our broad<br/>                     15· buckets."<br/>                     16· . . . Q· Uh-huh.<br/>                     17· . . . A· "You can use those buckets."<br/>                     18· . . . . But if we determine, in fact, that it is<br/>                     19· something brand-new and nobody at Oracle does that today,<br/>                     20· then we would say -- then we as a global compensation<br/>                     21· team say, "Yes, I would agree, we have not ever had<br/>                     22· anything like this before, so let's create a new job<br/>                     23· family with new codes."<br/>                     24· . . . Q· Okay. And I'd like to get -- you<br/>                     25· mentioned salary ranges or ranges for the job codes?</p> <p><b>108</b></p> <p>1· . . . A· Yes.<br/>                     2· . . . Q· I'd like to talk about those a little bit.<br/>                     3· . . . . First, how -- how are those created or how<br/>                     4· are those established?<br/>                     5· . . . A· So in -- just, in general, salary ranges?<br/>                     6· Is that --<br/>                     7· . . . Q· Yeah. Like you mentioned salary ranges<br/>                     8· for -- there is salary ranges for the job codes, right?<br/>                     9· . . . A· Uh-huh.<br/>                     10· . . . Q· I would just like to know more about those<br/>                     11· salary ranges.<br/>                     12· . . . A· The ranges? Okay. So every year, we<br/>                     13· participate in surveys, compensation surveys.<br/>                     14· . . . Q· Okay.<br/>                     15· . . . A· And we submit our employee data in these,<br/>                     16· so -- in these very broad buckets of jobs, we say, "All<br/>                     17· of our people who are in software developer 3," and we<br/>                     18· anonymously report what their compensation packages are<br/>                     19· to these surveys.</p> |                  |

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| <p>20. . . . . And in return, we get data back on our<br/>                 21. ·peer groups. And so we -- we can find, from that market<br/>                 22. ·data, a software developer 3 in -- and again, location<br/>                 23. ·plays a huge role in this, but software developer 3 in<br/>                 24. ·the Bay Area, compared to our 26 peers, has peer<br/>                 25. ·companies, has a market 50th percentile of X dollars.</p> <p><b>109</b></p> <p>1. . . . . And we look at our own internal structure<br/>                 2. ·that I said is -- you know, we might have a range that<br/>                 3. ·goes from -- just for simplicity, 50- to 150,000 and the<br/>                 4. ·midpoint is 100-.<br/>                 5. . . . Q. Okay.<br/>                 6. . . . A. All of the market -- all of the jobs that<br/>                 7. ·come back to us with market data right around \$100,000 as<br/>                 8. ·the 50th percentile in that survey, the particular code<br/>                 9. ·for that job would then be put into that range.<br/>                 10. . . . . So in -- in that range could be the<br/>                 11. ·software developer 3, the HR consultant for the legal<br/>                 12. ·person 3 or -- or the IT person M-2. It just all is<br/>                 13. ·based on, “Where does the market say the 50th<br/>                 14. ·percentile falls?” And then we assign that job code to<br/>                 15. ·the Oracle internal range that most closely represents<br/>                 16. ·that 50th percentile in the market.<br/>                 17. . . . Q. Okay. And which market surveys are you<br/>                 18. ·using?<br/>                 19. . . . . MS. CONNELL: Just for the record, I want<br/>                 20. ·to designate this line of questioning as confidential.<br/>                 21. ·And when the deposition is over, we can provide more<br/>                 22. ·specific confidential designations, but . . .<br/>                 23. . . . . MR. SONG: Okay.<br/>                 24. . . . A. I’m sorry, what -- repeat the question?<br/>                 25. . . . Q. (By Mr. Song) Which market surveys do you</p> <p><b>110</b></p> <p>1. ·use?<br/>                 2. . . . A. We use Radford and a survey called<br/>                 3. ·Comprtyx that is from Mercer.</p> <p><b>110:4-111:9</b></p> <p>1. . . . Q. Okay. And if you turn to page 56234-27<br/>                 5. ·and -28, I believe.</p> | <p>Errata: And in return, we get data back on our peer groups. And so we – we can find, from that market data, a software developer 3 in – and again, location plays a huge role in this, but software developer 3 in the Bay Area, compared to our 26 peers. Oracle has peer companies, has a market 50<sup>th</sup> percentile of X dollars.</p> <p>Errata: So in -- in that range could be the software developer 3, the HR consultant 4, the legal person 3 or -- or the IT person M-2.</p> |

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| <p>6. . . . A. Uh-huh.<br/>           7. . . . Q. These are just -- these are two of the<br/>           8. slides that I found on salary ranges.<br/>           9. . . . A. Yes.<br/>           10. . . . Q. As far as you know, are -- are -- is this<br/>           11. information still accurate, so I don't have to ask you<br/>           12. about all of it?<br/>           13. . . . A. Let me read it, please.<br/>           14. . . . . (A pause occurred in the proceedings.)<br/>           15. . . . A. Yeah, it's still accurate.<br/>           16. . . . Q. Okay. And then on page 27, the -27, it<br/>           17. mentions a "salary grade."<br/>           18. . . . . What does Oracle mean by that?<br/>           19. . . . A. The grade, really, is the range so -- so<br/>           20. what -- the way that our table works is, we would have<br/>           21. multiple jobs that are assigned to salary grades, say --<br/>           22. how do we name it now -- E.09. E.09 is the simple name<br/>           23. for the grade of jobs that fall in our exempt, FLSA<br/>           24. exempt, dot, the 9th level of ranges. It's just a<br/>           25. short way to code.</p> <p><b>111</b></p> <p>1. . . . . And then from there, the minimum,<br/>           2. midpoint, and maximum is derived. So every job that has<br/>           3. E.09 as their grade --<br/>           4. . . . Q. Okay.<br/>           5. . . . A. -- has the same range, as long as -- I<br/>           6. need to clarify that -- as long as it's the same<br/>           7. location. So we have E.09 HQ, E.09 non-HQ. E.09 -- so<br/>           8. you might have a different range depending on your<br/>           9. location as well.</p> |                  |
| <p><b>111:10-112:3</b></p> <p>10. . . . Q. Okay. So using the job code, salary<br/>           11. grade, and salary range, how is it decided where an<br/>           12. employee is going to fall within that range?<br/>           13. . . . . MS. CONNELL: Objection. Vague.<br/>           14. Compound. Calls for speculation.<br/>           15. . . . A. So I think as the slide says --<br/>           16. . . . Q. (By Mr. Song) Uh-huh.<br/>           17. . . . A. -- that you account for experience,<br/>           18. skills, competencies, your performance, your location.<br/>           19. There's all sorts of things that come into that.</p>   |                  |

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| <p>20. . . . Q. Okay.</p> <p>21. . . . A. So it depends on what the employee brings</p> <p>22. . to the table.</p> <p>23. . . . Q. Okay. And who is making that</p> <p>24. . determination?</p> <p>25. . . . A. On where the employee will fall?</p> <p><b>112</b></p> <p>1. . . . Q. Yeah.</p> <p>2. . . . A. The managers generally decide the comp</p> <p>3. . package for their employee.</p>   |                  |
| <p><b>113:14-115:21</b></p> <p>14. . . . Q. Well, let's start with new hires.</p> <p>15. . . . . If it's -- if it differs between new hires</p> <p>16. . and current or existing employees, et cetera -- well,</p> <p>17. . let's start with new hires.</p> <p>18. . . . A. Okay.</p> <p>19. . . . Q. So --</p> <p>20. . . . A. So the salary range -- or the salary</p> <p>21. . that's determined by a manager in -- for a new hire --</p> <p>22. . . . Q. Uh-huh.</p> <p>23. . . . A. -- the employee -- the candidates</p> <p>24. . generally come to us with -- I mean, they have</p> <p>25. . their -- their resume they've reviewed, the manager</p> <p><b>114</b></p> <p>1. . decides they are the right candidate.</p> <p>2. . . . Q. Uh-huh.</p> <p>3. . . . A. Maybe they bring something a little more</p> <p>4. . to the table than your average person at, say, an IC-3,</p> <p>5. . and so they want to place that person in the third</p> <p>6. . quartile.</p> <p>7. . . . . The manager can make that decision.</p> <p>8. . There's -- they may have consulted with their business</p> <p>9. . partner or -- or included the compensation analyst, their</p> <p>10. . compensation consultant in it. But the manager makes</p> <p>11. . that decision and then would submit that offer into that</p> <p>12. . iRecruitment work form.</p> <p>13. . . . Q. Right.</p> <p>14. . . . A. But then works its way up the approvals.</p> |                  |

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| <p>15· · · · · In the end, the -- the top approver is<br/> 16· · really doing more of a sanity check, like -- to make sure<br/> 17· · somebody didn't enter, like, a million dollars for an<br/> 18· · IC-3, just more of a sanity: Does this make sense within<br/> 19· · the range?<br/> 20· · · · · But in general, the -- the manager makes<br/> 21· · that decision for where they're going to place their<br/> 22· · employee based on what they bring to the table, where<br/> 23· · they are located, what's the internal -- what is the<br/> 24· · internal peer group paid, all those kind of things.<br/> 25· · · · Q· Can they go outside -- can a manager go</p> <p><b>115</b></p> <p>1· · outside the range?<br/> 2· · · · A· Yes, the manager may go outside the range.<br/> 3· · · · Q· Okay. And is that -- is there an overview<br/> 4· · for that?<br/> 5· · · · · MS. CONNELL: Objection. Vague and<br/> 6· · ambiguous. Asked and answered.<br/> 7· · · · A· Same -- same overview.<br/> 8· · · · Q· (By Mr. Song) Okay.<br/> 9· · · · A· But if you come with the right argument<br/> 10· · for why you're going over the range, that's acceptable.<br/> 11· · · · Q· Okay. Do you have to provide more of a<br/> 12· · justification if you go outside the range?<br/> 13· · · · · MS. CONNELL: Objection. Incomplete<br/> 14· · hypothetical and calls for speculation.<br/> 15· · · · A· I would say that, yes, managers are<br/> 16· · sensitive and know/recognize when something is over the<br/> 17· · range.<br/> 18· · · · Q· (By Mr. Song) Uh-huh.<br/> 19· · · · A· And they would, just for -- for good<br/> 20· · practice, specify why the -- outside of the range is<br/> 21· · justified.</p> |                  |
| <p><b>115:22-117:11</b></p> <p>22· · · · Q· Okay. Well, let's -- would an M-1 manager<br/> 23· · have anybody underneath them? They would have at least<br/> 24· · one person, right?<br/> 25· · · · A· M-1s are supervisor level, and they</p>   |                  |

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| <p><b>116</b></p> <p>1. · generally do not have that hire/fire, that kind of<br/>                 2. · authority.<br/>                 3. · · · · Q. · Oh, I see.<br/>                 4. · · · · A. · So M-1s, probably not. They -- they might<br/>                 5. · have people roll up to them, but we don't view them as<br/>                 6. · hire/fire manager types. That starts at M-2.<br/>                 7. · · · · Q. · Okay. M-2.<br/>                 8. · · · · A. · Uh-huh.<br/>                 9. · · · · Q. · All right. And can an M-1 decide<br/>                 10. · somebody's compensation or raise or --<br/>                 11. · · · · · MS. CONNELL: Objection. Incomplete<br/>                 12. · hypothetical. Calls for speculation.<br/>                 13. · · · · A. · Could an M-1 decide? I don't -- I don't<br/>                 14. · know. I don't know of specific scenarios. I suppose if<br/>                 15. · they have reviewed -- have been the main interviewer of a<br/>                 16. · candidate --<br/>                 17. · · · · Q. · (By Mr. Song) Uh-huh.<br/>                 18. · · · · A. · -- they could make that recommendation.<br/>                 19. · But that's not typically part of an M-1's responsibility.<br/>                 20. · · · · Q. · Okay. So it really starts at M-2 where<br/>                 21. · they decide compensation?<br/>                 22. · MS. CONNELL: Objection. Misstates her<br/>                 23. · testimony.<br/>                 24. · · · · A. · Like I said, the M-1 may have some input<br/>                 25. · into it, but generally, we don't -- as that supervisor</p> <p><b>117</b></p> <p>1. · level is defined, they don't tend to have that hire/fire,<br/>                 2. · compensation decision type of authority.<br/>                 3. · · · · Q. · (By Mr. Song) All right. M-2s would have<br/>                 4. · the compensation authority --<br/>                 5. · · · · · MS. CONNELL: Objection --<br/>                 6. · · · · Q. · (By Mr. Song) -- or do have the<br/>                 7. · compensation authority?<br/>                 8. · · · · · MS. CONNELL: -- incomplete hypothetical.<br/>                 9. · Asked and answered.<br/>                 10. · · · · A. · Yes. That's the first-line manager when<br/>                 11. · they're hiring somebody.</p> |                  |
| <p><b>117:12-122:13</b></p> <p>12. · · · · Q. · (By Mr. Song) Okay. If an M- -- so let's</p>   |                  |

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| <p>13· say an M-2 makes a compensation decision. How many<br/> 14· levels of a review -- review, sorry, does it go up?<br/> 15· . . . . MS. CONNELL: Objection. Calls for<br/> 16· speculation. Incomplete hypothetical.<br/> 17· . . . A· The -- anything regarding pay --<br/> 18· . . . Q· (By Mr. Song) Uh-huh.<br/> 19· . . . A· -- really would -- prior to -- we had the<br/> 20· accelerated hiring experience. I don't know if you're<br/> 21· familiar with that. That is one of the exhibits that are<br/> 22· here.<br/> 23· . . . . But in 2013, when this started up, until<br/> 24· fairly recently with the accelerated hiring experience,<br/> 25· it would go up every level. It would first go to an HR</p> <p><b>118</b></p> <p>1· representative, and then it would go to a compensation<br/> 2· person, and it would go up the whole chain, up to the<br/> 3· very top.<br/> 4· . . . . But once you reach, you know, the -- once<br/> 5· it goes through, like, HR and comp and then maybe one<br/> 6· level of manager, it's really -- it goes to the -- the<br/> 7· sanity check piece: Like, does this pass the sniff test?<br/> 8· They're not doing any real deep diving into anything. It<br/> 9· really is what that first-line manager has submitted --<br/> 10· . . . Q· Okay.<br/> 11· . . . A· -- just continues on up the road.<br/> 12· . . . Q· Okay.<br/> 13· . . . A· With accelerated hiring, it skips, now,<br/> 14· compensation and tends to go all the way up so that the<br/> 15· process happens as -- as it indicates, accelerated<br/> 16· hiring, everything moves much quicker.<br/> 17· . . . Q· Uh-huh.<br/> 18· . . . A· And so it goes up, but again, to the -- to<br/> 19· the CEO office. But again, it's really that sanity check<br/> 20· of making sure -- we've had -- we've had situations, for<br/> 21· example, where the CEO office realizes they missed a<br/> 22· comma, and then the salary they offered was, like, \$2,000<br/> 23· instead of 200,000 -- like, just things that --<br/> 24· . . . Q· Yeah.<br/> 25· . . . A· -- if they look too quickly --</p> <p><b>119</b></p> <p>1· . . . Q· Yeah, dotting your T's?</p> |                  |

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| <p>2. . . . A. -- they miss it.<br/> 3. . . . Q. Yeah, dotting -- yeah.<br/> 4. . . . A. So it's -- it's the -- in the end, does<br/> 5. this look fine? They're not going into any specific<br/> 6. detail.<br/> 7. . . . Q. And when did accelerated hiring start?<br/> 8. . . . A. I believe it was 2018 sometime.<br/> 9. . . . Q. Okay. But prior -- so prior to then, HR,<br/> 10. comp, and maybe one manager would have more of a<br/> 11. substantive review rather than just a sanity check?<br/> 12. . . . A. In most cases, I would say --<br/> 13. . . . Q. In most cases?<br/> 14. . . . A. -- yes. Yeah.<br/> 15. . . . Q. Okay. And so what -- what would that<br/> 16. entail?<br/> 17. . . . MS. CONNELL: Objection. Calls for<br/> 18. speculation.<br/> 19. . . . A. That would entail, you know, maybe looking<br/> 20. at -- looking at a resume to see what kind of experience<br/> 21. they bring, making sure -- you know, looking at --<br/> 22. glancing at the peer group to say: Does this make -- you<br/> 23. know, what does -- what compa-ratio does it give this<br/> 24. person? Where does it place them in the range? Does it<br/> 25. make sense for what they bring to the table? And, you</p> <p><b>120</b></p> <p>1. know, if we've identified these are the seven peers, does<br/> 2. it fall nicely in there?<br/> 3. . . . It's just kind of a review to make sure<br/> 4. that that -- that that makes sense.<br/> 5. . . . Q. (By Mr. Song) Okay. So HR, comp, and the<br/> 6. manager directly --<br/> 7. . . . A. First-line manager.<br/> 8. . . . Q. -- above that manager --<br/> 9. . . . First-level manager?<br/> 10. . . . A. Yeah.<br/> 11. . . . Q. Would do this kind of a review?<br/> 12. . . . MS. CONNELL: Objection. Incomplete<br/> 13. hyp- --<br/> 14. . . . Q. (By Mr. Song) Or maybe they should do one?<br/> 15. . . . MS. CONNELL: Incomplete hypothetical and<br/> 16. calls for speculation.<br/> 17. . . . A. I would -- so the -- the manager the next</p> |                  |

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| <p>18· ·level up maybe wouldn't go into that -- that's more --<br/>19· ·first-line manager, HR, and compensation would either<br/>20· ·review it individually or maybe over the phone to say:<br/>21· ·This -- you know, this is where we think this person<br/>22· ·should fall based on the resume and -- and their location<br/>23· ·and what they bring to the table.<br/>24· ·And then when the manager submits the<br/>25· ·Workflow, they would probably put in the justification,</p>   |                  |
| <p><b>121</b></p>   |                  |
| <p>1· ·you know: This -- we positioned it here for this reason.<br/>2· ·And then the next-level manager might look a little bit<br/>3· ·closer.<br/>4· · . . . Q· Okay.<br/>5· · . . . A· But if it's not -- I mean, if it's over<br/>6· ·the range, yes, they're going to dig into it a little bit<br/>7· ·more.<br/>8· · . . . . If it seems kind of out of line, really,<br/>9· ·it -- it -- even that next-line manager, it's likely that<br/>10· ·the hiring manager probably already had a conversation<br/>11· ·with his or her direct manager to say, "This is my<br/>12· ·opening and this is the window of what I'd like to<br/>13· ·offer." And so there's probably already been, before<br/>14· ·they even get to that point.<br/>15· · . . . . So I would say when it reaches that<br/>16· ·next-level manager, they likely aren't digging in quite<br/>17· ·as much as HR and comp would have with the manager in<br/>18· ·that initial setting.<br/>19· · . . . Q· (By Mr. Song) Okay. And who at HR would<br/>20· ·it be that would review these compensation decisions?<br/>21· · . . . . MS. CONNELL: Objection. Calls for<br/>22· ·speculation. Compound.<br/>23· · . . . A· It would be the -- the business partner<br/>24· ·assigned to support that particular area of the business<br/>25· ·would be who the manager would call if they needed</p> |                  |
| <p><b>122</b></p>   |                  |
| <p>1· ·consultation.<br/>2· · . . . Q· (By Mr. Song) Okay. Would there be<br/>3· ·anybody else at HR that would look at that?<br/>4· · . . . . MS. CONNELL: Objection. Incomplete<br/>5· ·hypothetical. Calls for speculation.<br/>6· · . . . Q· (By Mr. Song) Just primarily the business</p>  |                  |

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| <p>7. ·partner?<br/> 8. . . . A. Yeah. Yeah.<br/> 9. . . . Q. Okay. And what about at comp --<br/> 10. ·compensation? Sorry.<br/> 11. . . . A. Again, there's a compensation consultant<br/> 12. ·assigned to various areas of the business.<br/> 13. . . . Q. Uh-huh.</p>   |                  |
| <p><b>122:14-17</b></p> <p>14. . . . A. And the HR business partner assigned to<br/> 15. ·that particular manager would engage comp to say, "We<br/> 16. ·could use your help in -- in developing the compensation<br/> 17. ·package for this person."</p>   |                  |
| <p><b>126:10-127:9</b></p> <p>10. . . . Q. -- what did we have, a software developer<br/> 11. ·or something like that, which was in -- like, for<br/> 12. ·example: Would -- has Oracle ever done a job analysis,<br/> 13. ·analyzing that job and then what pay range, you know,<br/> 14. ·should be attributed, what skills they need, et cetera?<br/> 15. . . . . MS. CONNELL: Same objections. Beyond the<br/> 16. ·scope of the PMK topics for which she's been designated<br/> 17. ·to testify, calls for a legal conclusion, and vague and<br/> 18. ·ambiguous.<br/> 19. . . . A. So I would say -- I mean, we -- in regards<br/> 20. ·to the job and determining what range is assigned to that<br/> 21. ·job, we do that every year.<br/> 22. . . . Q. (By Mr. Song) Okay.<br/> 23. . . . A. We look at -- we -- we look at where the<br/> 24. ·benchmark -- the benchmark data tells us that the<br/> 25. ·software developer 3 falls in each of our geographical</p> <p><b>127</b></p> <p>1. ·locations. And then we could -- and then we make sure,<br/> 2. ·some years we might regrade it and give it a different --<br/> 3. ·different -- give it a different range.<br/> 4. . . . Q. Okay.<br/> 5. . . . A. But yes, every single year, that's how we<br/> 6. ·maintain our ranges, is to do an analysis of the market<br/> 7. ·to make sure that we -- we put that set software<br/> 8. ·developer 3 in the right broad range that covers that<br/> 9. ·particular job.</p> |                  |

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| <p><b>132:2-25</b></p> <p>2. . . . Q. And there are -- are there guidelines that</p> <p>3. reviewing managers are supposed to consider when -- when</p> <p>4. reviewing a salary decision?</p> <p>5. . . . A. It would be the same guidelines that any</p> <p>6. manager would consider, but they -- generally, other</p> <p>7. than, maybe, like I said, that next direct line where</p> <p>8. they've likely already had a conversation about it,</p> <p>9. working its way up the approval chain, it's a sanity</p> <p>10. check.</p> <p>11. . . . . So I mean, they -- they all -- every level</p> <p>12. knows the general guidelines for it, so I wouldn't say</p> <p>13. it's different.</p> <p>14. . . . Q. Uh-huh. Okay. And are there any</p> <p>15. guidelines for HR business partners in reviewing salary</p> <p>16. decisions?</p> <p>17. . . . A. Again, same guidelines.</p> <p>18. . . . Q. Okay.</p> <p>19. . . . A. It's -- this -- the presentation, the</p> <p>20. Exhibit 7 is titled "Managing Compensation," and the</p> <p>21. audience is for managers and for HR in how to make those</p> <p>22. decisions.</p> <p>23. . . . Q. Okay. And that would be the same for</p> <p>24. compensation consultants as well?</p> <p>25. . . . A. Yes.</p> |                  |
| <p><b>133:1-22</b></p> <p>1. . . . Q. Okay. Do employees know what their salary</p> <p>2. ranges are?</p> <p>3. . . . . MS. CONNELL: Objection. Calls for</p> <p>4. speculation. Outside the scope of her PMK topics.</p> <p>5. . . . A. Our salary ranges are not publicly</p> <p>6. published, and employees are instructed -- if asked,</p> <p>7. they're instructed to ask their manager. Their manager</p> <p>8. is free to share with them what their range is, should</p> <p>9. they ask.</p> <p>10. . . . Q. (By Mr. Song) Okay. So if an employee</p> <p>11. asked their manager for their salary range, they would be</p> <p>12. given their salary --</p> <p>13. . . . . MS. CONNELL: Objection.</p> <p>14. . . . Q. (By Mr. Song) -- range?</p> <p>15. . . . . MS. CONNELL: Incomplete hypothetical and</p> <p>16. calls for speculation.</p>   |                  |

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| <p>17. . . . A. I don't -- I can't say a hundred -- with<br/> 18. 100 percent certainty every manager would say, "Yes,<br/> 19. here's your range." Generally, that question is asked as<br/> 20. a part of a bigger conversation, and so some managers may<br/> 21. handle it differently. But they certainly are not<br/> 22. prohibited from sharing the range if they were asked.</p>   |                  |
| <p><b>133:23-134:2</b></p> <p>23. . . . Q. (By Mr. Song) Okay.<br/> 24. . . . A. The manager is not prohibited.<br/> 25. . . . Q. What about job codes, do the employees</p> <p><b>134</b><br/> 1. know their job codes?<br/> 2. . . . A. Yes, they do.</p>   |                  |
| <p><b>134:3-16</b></p> <p>3. . . . Q. Okay. And then I wanted to talk about<br/> 4. specialties and the specialty area on 56234-5.<br/> 5. . . . . What are specialties?<br/> 6. . . . . MS. CONNELL: Objection. Asked and<br/> 7. answered.<br/> 8. . . . A. The specialty area gets a little bit more<br/> 9. specific into the kind of work performed. For example,<br/> 10. for a developer, the function is product development.<br/> 11. . . . Q. (By Mr. Song) Uh-huh.<br/> 12. . . . A. But what -- the specialty areas under<br/> 13. product development would include software engineering,<br/> 14. software engineering management, technical writer, QA.<br/> 15. There are different kind of specialties under that<br/> 16. product development function.</p> |                  |
| <p><b>134:23-136:23</b></p> <p>23. . . . Q. And I think you mentioned compa-ratios a<br/> 24. little bit earlier, but we haven't had a chance to talk<br/> 25. about them.</p> <p><b>135</b></p> <p>1. . . . . Can you tell us about compa-ratios?<br/> 2. . . . A. Yes. So a compa-ratio is the ratio of the<br/> 3. employee's salary to Oracle's midpoint for the job code<br/> 4. and location that the person is in. So if somebody is<br/> 5. paid at the midpoint of the range, their compa-ratio<br/> 6. would be 1. Someone 6 percent below has a compa-ratio of</p>   |                  |

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| <p>7. .94; similarly, someone 6 percent above would be 1.06 --<br/> 8. .or .94 and 1.06.<br/> 9. . . . Q. Okay. And how are compa-ratios used by<br/> 10. Oracle?<br/> 11. . . . . MS. CONNELL: Objection. Vague. Calls<br/> 12. for speculation.<br/> 13. . . . A. So I would say, predominantly,<br/> 14. compa-ratios are used to indicate, for managers, for HR,<br/> 15. for compensation, where in the labor market that<br/> 16. particular employee falls.<br/> 17. . . . . And it -- because it is a ratio, we can<br/> 18. compare across borders or across geographies to say:<br/> 19. These -- these five employees in five different countries<br/> 20. or even five different cities across the United States,<br/> 21. if they all have a compa-ratio of .97, we can draw the<br/> 22. conclusion that they're paid at approximately 97 percent<br/> 23. of the local labor market for their job.<br/> 24. . . . Q. (By Mr. Song) All right. And can you give<br/> 25. me a specific example of how it's used in a -- let's say</p> <p><b>136</b></p> <p>1. a manager is making a compensation decision for his or<br/> 2. her employee. Do they use or consider the compa-ratio?<br/> 3. . . . . MS. CONNELL: Objection. Vague and<br/> 4. ambiguous. Calls for speculation.<br/> 5. . . . A. I don't -- I mean, it -- I can't speak for<br/> 6. all managers, if -- the way that we train managers,<br/> 7. though, in -- say, when they're -- they might look at the<br/> 8. compa-ratio for -- if they're looking at a new hire, they<br/> 9. could look at the compa-ratios of the peers.<br/> 10. . . . . Maybe a -- maybe they have a peer doing a<br/> 11. very similar job for -- for a -- you have someone coming<br/> 12. to HQCA, and on the team, maybe they have somebody with<br/> 13. the same background, they're working on the same product<br/> 14. at the same level, who is doing the job in, say, Dallas.<br/> 15. . . . . That manager could say, "Oh, this Dallas<br/> 16. person's compa-ratio is .98, so that would be aligning<br/> 17. accurate- -- aligning this new peer to that peer group."<br/> 18. Because you wouldn't say, "This person in Dallas is paid<br/> 19. 110-, so therefore, I'm going to pay an HQCA 110-."<br/> 20. . . . . 110- in the HQCA market is entirely<br/> 21. different than 110- in Dallas. So if you have to compare<br/> 22. across geographies, that compa-ratio gives you a better</p> |                  |

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| 23· · indication of what the labor market is doing there.   |                  |
| <p><b>142:17-143:12</b></p> <p>17· . . . Q· Okay. So then, similarly, does Oracle<br/> 18· · recommend -- does Oracle's compensation guidelines<br/> 19· · recommend using these compa-ratios to managers?<br/> 20· . . . . MS. CONNELL: Objection. The guidelines,<br/> 21· · as she testified, are in writing and have been produced<br/> 22· · in this case, and they speak for themselves.<br/> 23· . . . A· So, I mean, if I read -- the -- the slide<br/> 24· · says, this is how you use it, tells how to calculate it,<br/> 25· · and it says: It's helpful when you are managing</p> <p><b>143</b></p> <p>1· · employees during -- doing different kinds of work.<br/> 2· · Remember that not everyone has, nor should they have, the<br/> 3· · same. And the right compa-ratio does depend on<br/> 4· · individual experience, skills, contribution, and<br/> 5· · performance.<br/> 6· . . . . So educating managers on what they can get<br/> 7· · out of compa-ratio and what it tells them is part of the<br/> 8· · guidelines. But, you know, whether we say, "You must use<br/> 9· · this," it's always been used as a point of reference and<br/> 10· · just educating them on what they can -- what they can<br/> 11· · glean from that -- that number when they look across<br/> 12· · their team.</p> |                  |
| <p><b>144:21-147:6</b></p> <p>21· . . . Q· Okay. What does Oracle consider a low<br/> 22· · compa-ratio?<br/> 23· . . . . MS. CONNELL: Objection. Vague and<br/> 24· · ambiguous. Incomplete hypothetical. Assumes facts.<br/> 25· . . . A· So the difficult thing about making a real</p> <p><b>145</b></p> <p>1· · conclusion on what a low compa-ratio would be is that<br/> 2· · our -- as I've testified to before, our ranges are<br/> 3· · incredibly -- are -- are wide.<br/> 4· . . . Q· (By Mr. Song) Uh-huh.<br/> 5· . . . A· And not only that, but our -- the job<br/> 6· · codes are huge buckets. They're -- they're very general,</p>   |                  |

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| <p>7· ·high-level groupings, excuse me, of our jobs at Oracle.<br/> 8· · · · · And so somebody may be in a software<br/> 9· ·developer 3 -- you know, we might have five people in a<br/> 10· ·software developer 3 job code, but those five people<br/> 11· ·are -- they work on different products. They are in --<br/> 12· ·they bring slightly different things to the table.<br/> 13· · · · · Maybe they're -- maybe they're on the low<br/> 14· ·end of the IC-3 qualifications or the high end of the<br/> 15· ·IC-3 qualifications, but they're still doing that IC-3<br/> 16· ·level type of work but with different -- different<br/> 17· ·product focuses or different expertise or maybe someone<br/> 18· ·has hot skills.<br/> 19· · · · · So if somebody's working on, say, one of<br/> 20· ·our older product, like a JD Edwards product, that we<br/> 21· ·still have customers on it, but we don't spend -- we<br/> 22· ·don't have a lot of -- we don't have a lot of need for<br/> 23· ·it; there's not a lot of development still going on for<br/> 24· ·that; not a high demand for that kind of talent in the<br/> 25· ·marketplace.</p> <p><b>146</b></p> <p>1· · · · · So that person's compa-ratio might be 88,<br/> 2· ·say 12 percent below the market midpoint for the job.<br/> 3· · · · Q· Uh-huh.<br/> 4· · · · A· But 88 might be perfectly appropriate<br/> 5· ·and -- and what's appropriate for -- for the JD Edwards<br/> 6· ·skills, and that is what that -- what the market is<br/> 7· ·commanding, is whatever -- you know, if it's 98- or<br/> 8· ·whatever, \$98,000 is what the going rate really is for a<br/> 9· ·JD Edwards developer 3.<br/> 10· · · · Q· Uh-huh.<br/> 11· · · · A· Conversely, we would have -- we -- people<br/> 12· ·with the -- like our -- the cloud skills or the machine<br/> 13· ·learning or AI, those people, the market -- they might<br/> 14· ·still be in that same 10530 software developer 3 job<br/> 15· ·code, but they're -- they're -- the market commands a lot<br/> 16· ·more for them.<br/> 17· · · · · So while they have the same job code and<br/> 18· ·this person over here (indicating) is paid \$98,000, this<br/> 19· ·machine-learning person might be paid \$130,000, because<br/> 20· ·you have to for that particular skill set and what they<br/> 21· ·bring to the table.<br/> 22· · · · · So this 88 compa-ratio doesn't -- it -- on</p> |                  |

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| <p>23· the surface, it might look low, but based on what they're<br/>                 24· doing, it's appropriate for that particular role.<br/>                 25· Similarly, you might have somebody who is a lower</p> <p><b>147</b></p> <p>1· performer, and having a lower compa-ratio is perfectly<br/>                 2· acceptable because they're not . . .<br/>                 3· . . . . So we don't have, like, a number where we<br/>                 4· would say, "If it's at 90, that's too low," or "If it's<br/>                 5· at 95" -- you know, it varies so drastically across our<br/>                 6· jobs.</p>  |                  |
| <p><b>147:7-153:3</b></p> <p>7· . . . Q· What if it fell below 50?<br/>                 8· . . . . MS. CONNELL: Objection. Incomplete --<br/>                 9· . . . Q· (By Mr. Song) A compa-ratio --<br/>                 10· . . . . MS. CONNELL: -- hypothetical.<br/>                 11· . . . Q· (By Mr. Song) -- below 50?<br/>                 12· . . . A· A compa-ratio below 50?<br/>                 13· . . . Q· Yeah.<br/>                 14· . . . A· Meaning they're paid at half the market?<br/>                 15· That would be --<br/>                 16· . . . Q· Yeah.<br/>                 17· . . . A· -- well below the range and --<br/>                 18· . . . Q· Okay.<br/>                 19· . . . A· -- probably pretty alarming.<br/>                 20· . . . . We would -- we would -- actually, the<br/>                 21· conclusion that we would make would be -- we, as<br/>                 22· compensation professionals, the conclusion would be, that<br/>                 23· might not be the right job code, because who would really<br/>                 24· work in a job paying them half of what the market<br/>                 25· dictates or what the labor market dictates? That's</p> <p><b>148</b></p> <p>1· excessively low.<br/>                 2· . . . Q· Okay. If there was a compa-ratio below<br/>                 3· 50, what would Oracle do?<br/>                 4· . . . . MS. CONNELL: Objection. Incomplete<br/>                 5· hypothetical. Assumes facts. Calls for speculation.<br/>                 6· . . . A· We would reach out to, probably, HR and<br/>                 7· the manager to say, "Could we have a look at this person?<br/>                 8· Something doesn't seem right." And in some cases, we<br/>                 9· find it was 50, but it's because they have the -- like,</p> |                  |

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| <p>10· ·maybe the -- or there was something wrong in our<br/> 11· ·reporting and the comma was in the wrong place, or maybe<br/> 12· ·they're part-time and it didn't -- that didn't work out.<br/> 13· · . . . Q· (By Mr. Song) Okay.<br/> 14· · . . . A· But that low, most certainly, we would<br/> 15· ·kind of look at that and say, "Something -- something<br/> 16· ·weird is going on here. Let's look into that person."<br/> 17· · . . . Q· Okay. At what point would that kind of a<br/> 18· ·review take place? Is it below 50, below 60, below 70?<br/> 19· · . . . . MS. CONNELL: Same objections. Incomplete<br/> 20· ·hypothetical. Calls for speculation. I think goes<br/> 21· ·beyond the scope of the PMK topics that she's been<br/> 22· ·designated for.<br/> 23· · . . . A· I guess I -- I'm not really sure. It<br/> 24· ·would probably raise my eyebrows really if it were, like,<br/> 25· ·below 65 maybe; like if you're 35 percent behind the</p> <p><b>149</b></p> <p>1· ·market, I might say, "Something might be up with this<br/> 2· ·one."<br/> 3· · . . . . But there isn't really a -- it's kind of a<br/> 4· ·gut, like when you're just glancing at it, it would kind<br/> 5· ·of be a gut telling you something might not be quite<br/> 6· ·right.<br/> 7· · . . . Q· (By Mr. Song) Are compa-ratios monitored?<br/> 8· · . . . . MS. CONNELL: Objection. Assumes facts.<br/> 9· ·Vague and ambiguous.<br/> 10· · . . . A· What do you mean by that?<br/> 11· · . . . Q· (By Mr. Song) So, for example, the below<br/> 12· ·50, let's say you had an entire department that was below<br/> 13· ·50. Would somebody -- is there anybody at Oracle -- or<br/> 14· ·does Oracle monitor compa-ratios of its employees --<br/> 15· · . . . . MS. CONNELL: Objection --<br/> 16· · . . . Q· (By Mr. Song) -- to make sure they're not<br/> 17· ·too high or too low?<br/> 18· · . . . . MS. CONNELL: Objection. Incomplete<br/> 19· ·hypothetical. Assumes facts. And beyond the scope of<br/> 20· ·the PMK topics for which she's been designated.<br/> 21· · . . . . You can answer in your personal capacity,<br/> 22· ·if you know.<br/> 23· · . . . A· I -- on the compensation team, it might be<br/> 24· ·something that HR checks in on every once in a while.<br/> 25· ·If -- if somebody truly is that low, the managers, they</p> |                  |

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| <p><b>150</b></p> <p>1. · would be pretty loud about it. So HR is going to know<br/>                 2. · that that -- we have a big problem here.<br/>                 3. · · · · Q. (By Mr. Song) Uh-huh.<br/>                 4. · · · · A. But as far as whether there's a regular<br/>                 5. · going in and checking, we check the overall compa-ratios<br/>                 6. · of -- every year when we do that salary survey review,<br/>                 7. · we're checking what the compa-ratios are in -- in each of<br/>                 8. · the job codes. And I can't say as I've ever seen<br/>                 9. · anything that low. I mean, we haven't ever reached an<br/>                 10. · alarming capacity.<br/>                 11. · · · · · But if there were a team, if there were a<br/>                 12. · manager who managed a team of people who were all<br/>                 13. · excessively low, I have no doubt they would bring it to<br/>                 14. · HR's attention to say, "We need to look into this and do<br/>                 15. · something about it."<br/>                 16. · · · · · But Oracle overall monitoring, other than<br/>                 17. · our yearly review of our ranges, where we check what the<br/>                 18. · compa-ratios are for those job codes, there -- there<br/>                 19. · isn't a detailed analysis of looking for that kind of<br/>                 20. · thing.<br/>                 21. · · · · Q. Okay. So the review would come during the<br/>                 22. · focal review by the managers --<br/>                 23. · · · · · MS. CONNELL: Objection. Misstates --<br/>                 24. · · · · Q. (By Mr. Song) -- for the --<br/>                 25. · · · · · MS. CONNELL: -- her testimony.</p> <p><b>151</b></p> <p>1. · · · · Q. (By Mr. Song) Well, say -- you know,<br/>                 2. · correct me if I'm -- I'm sure you will -- if I'm wrong,<br/>                 3. · but I thought you -- I thought you were saying that<br/>                 4. · there's not a general monitoring or review of<br/>                 5. · compa-ratios, but that during the focal review, the<br/>                 6. · managers review the compa-ratios?<br/>                 7. · · · · A. I don't think I mentioned the focal review<br/>                 8. · just --<br/>                 9. · · · · Q. Oh.<br/>                 10. · · · · A. -- now.<br/>                 11. · · · · Q. Oh, okay. I thought -- I thought -- so<br/>                 12. · you were just talking about in general --<br/>                 13. · · · · A. So --<br/>                 14. · · · · Q. -- managers would identify them?</p> |                  |

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| <p>15· . . . A· -- in -- yeah, in general, managers --<br/>16· . . . Q· Okay.<br/>17· . . . A· -- have a sense of where -- you know, and<br/>18· ·it could be the middle of year. It might have nothing to<br/>19· ·do with the focal, but a manager would know, “I’ve got a<br/>20· ·team of horribly underpaid people, and they’re going to<br/>21· ·raise it to us.”<br/>22· . . . Q· Uh-huh.<br/>23· . . . A· The -- what, if -- if -- the focal piece,<br/>24· ·so the one point in time when the compensation team<br/>25· ·annually reviews our ranges compared to our market</p>   |                  |
| <p><b>152</b></p>  |                  |
| <p>1· ·surveys, that’s when we get data, we pull in data about<br/>2· ·what the compa-ratio -- what the overall compa-ratio is<br/>3· ·by job code, and we peek at it at that time.<br/>4· . . . . But an overall review, I wouldn’t say is<br/>5· ·conducted by Oracle in general.<br/>6· . . . Q· Okay.<br/>7· . . . . MS. CONNELL: And again, I’ll insert an<br/>8· ·objection that this line of questioning is outside the<br/>9· ·scope of the PMK topics for which she’s been designated.<br/>10· . . . Q· (By Mr. Song) So there’s also no<br/>11· ·examination of compa-ratios by gender, correct?<br/>12· . . . . MS. CONNELL: Same objections. Outside<br/>13· ·the scope of the PMK topics.<br/>14· . . . . She can answer in her personal capacity.<br/>15· . . . . It’s also vague and ambiguous. Assumes<br/>16· ·facts.<br/>17· . . . A· I have not ever done a compa-ratio by<br/>18· ·gender analysis before.<br/>19· . . . Q· (By Mr. Song) Okay. And what about by<br/>20· ·race?<br/>21· . . . . MS. CONNELL: Same objections.<br/>22· . . . A· I have not ever done anything by race.<br/>23· . . . Q· (By Mr. Song) Okay. Do you know if Oracle<br/>24· ·has?<br/>25· . . . . MS. CONNELL: Calls for speculation. Same</p> |                  |
| <p><b>153</b></p>  |                  |
| <p>1· ·objections. Outside the scope.<br/>2· . . . A· I’m -- I’m familiar with some work<br/>3· ·under -- under privilege --</p>   |                  |

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| <p><b>154:10-155:25</b></p> <p>10. . . . Q. (By Mr. Song) So this is a document that<br/>11. .you've also seen. It is Exhibit 8 from your previous<br/>12. .exhibit [sic].<br/>13. . . . . MS. CONNELL: Thank you.<br/>14. . . . Q. (By Mr. Song) I'll just give you a few<br/>15. .minutes to look it over since it's been a while.<br/>16. . . . A. Uh-huh.<br/>17. . . . . MS. CONNELL: I believe this was produced<br/>18. .as confidential, so it maintains its confidential<br/>19. .designation.<br/>20. . . . . MR. SONG: Sure.<br/>21. . . . . MS. CONNELL: I think this Exhibit 7 was,<br/>22. .too, also marked confidential.<br/>23. . . . A. Okay.<br/>24. . . . Q. (By Mr. Song) Okay. Do you recognize this<br/>25. .exhibit?</p>   |                  |
| <p><b>155</b></p> <p>1. . . . A. Yeah, I do.<br/>2. . . . Q. Okay. And can you tell us what it is,<br/>3. .very quickly?<br/>4. . . . A. So it just outlines the approval levels<br/>5. .required for various kinds of changes submitted in<br/>6. .Workflow.<br/>7. . . . Q. Okay. And are approvals required for<br/>8. .compensation decisions?<br/>9. . . . A. Well, yes.<br/>10. . . . . MS. CONNELL: Objection. Compound,<br/>11. .but . . .<br/>12. . . . A. It -- so on here, the -- when it comes to,<br/>13. .like, the assignment, one of -- about halfway down the<br/>14. .page, the assignment when it comes to some -- like job<br/>15. .change, I think in -- in my capacity here, the job codes<br/>16. .and the job changes would be part of compensation-ish,<br/>17. .and, you can see, it's one level up and then an HR is<br/>18. .required.<br/>19. .But when it comes to any changes in pay,<br/>20. .there's the -- when it -- dollars at the bottom of the<br/>21. .page.<br/>22. . . . Q. (By Mr. Song) Uh-huh.<br/>23. . . . A. All of this -- you'll see some of them --<br/>24. .so base salary increase goes all the way up through the</p> |                  |

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| 25 · CEO office. But again, that’s a cursory, a sanity   |                         |
| <b>156:1-3</b><br><br>1 · check --<br>2 · . . . Q · Sanity check?<br>3 · . . . A · -- they're not doing anything real . . .  |                         |
| <b>158:7</b><br><br>7 · . . . Q · All right. Have you had a chance to  |                         |
| <b>158:8-13</b><br><br>8 · review the matrix?<br>9 · . . . A · I’m -- I mean, I’m -- it’s been in<br>10 · existence for a long time so I’m somewhat familiar. Do<br>11 · you have a specific question?<br>12 · . . . Q · Well, I’m wondering if there’s any -- if<br>13 · there’s any corrections or updates to this form that you   |                         |
| <b>158:14-23</b><br><br>14 · can spot off the top of your head?<br>15 · . . . A · I think I already specified one: With<br>16 · Thomas's organization, I know that it --<br>17 · . . . Q · Yeah.<br>18 · . . . A · -- changed.<br>19 · . . . Q · Yeah.<br>20 · . . . A · I don't -- to my knowledge -- I mean, I<br>21 · don't study these, so I don't -- off the top of my head,<br>22 · I can't think of what else may have changed since, in the<br>23 · last two years.  |                         |
| <b>161:10-162:25</b><br><br>10 · . . . Q · Okay. And the -- the final-level sanity<br>11 · check, is that Mr. Ellison or the board?<br>12 · . . . A · No. That is -- we have a team of three<br>13 · who are considered the CEO office of approvers, and they<br>14 · are lower-level individual contributors that, again, do<br>15 · that sanity check to say, “Does this -- is this -- does<br>16 · this look okay?”<br>17 · . . . . But they’re handling thousands every month<br>18 · because they do it globally, and it’s really just that<br>19 · cursory review to say, “Does this -- does everything look<br>20 · up to . . .”<br>21 · . . . Q · Okay. And that’s Mr. Ellison, Ms. Catz,<br>22 · and is it -- |                         |

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| <p>23. . . . A. Oh, no. They have nothing to do with it.<br/>24. There is a team of three low-level individual<br/>25. contributors who represent the office of the CEO to</p> <p><b>162</b></p> <p>1. make -- to -- to do that final checkbox that it's<br/>2. approved after their sanity check.<br/>3. . . . Q. Who are the three team members?<br/>4. . . . A. Carolyn Balkenhol; she's mentioned in this<br/>5. document, in fact, in the notes on page 10. It says<br/>6. Carolyn Balkenhol is in there. Carolyn Balkenhol, and<br/>7. then the other two women are Lynn -- I forgot Lynn's last<br/>8. name -- and Yvonne Sieber. I forget -- I forget Lynn's<br/>9. last name, though.<br/>10. . . . . But it's three women who monitor that<br/>11. in-box that's considered the CEO office of approvers.<br/>12. But the -- the CEO and executive, that -- they're proxies<br/>13. for them. They -- those guys don't actually see these.<br/>14. . . . Q. And the CEO office, is that Mr. Ellison's<br/>15. office?<br/>16. . . . A. No. Our CEO, the -- well, now it<br/>17. represents all three of them, the CEO office of<br/>18. approvers. Our CEOs are Safra Catz and Mark Hurd.<br/>19. . . . Q. Uh-huh.<br/>20. . . . A. And then Mr. Ellison is the executive<br/>21. chairman and CEO -- or CTO. That's why it says the<br/>22. "CEO(s)" with the "s" in the parentheses and "executive<br/>23. chairman" and CTO." Those are the three M-10s, but it's<br/>24. really, they proxy, they have -- they have proxies that<br/>25. act on their behalf.</p> |                  |
| <p><b>167:21-169:8</b></p> <p>21. Time is 1:14 p.m.<br/>22. . . . Q. (By Mr. Song) Ms. Waggoner, regarding<br/>23. sanity checks --<br/>24. . . . A. Uh-huh.<br/>25. . . . Q. -- for the top-level reviews, how do you</p> <p><b>168</b></p> <p>1. know that they're only sanity checks at the top?<br/>2. . . . A. I have had numerous conversations. I know<br/>3. Carolyn fairly well. I've had numerous conversations<br/>4. about -- about her and kind of what they're -- what</p>   |                  |

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| <p>5· ·they're looking at, what they're looking for.<br/> 6· · · · · I also know that because there's only<br/> 7· ·three of them and they handle this responsibility<br/> 8· ·globally --<br/> 9· · · · Q· Uh-huh.<br/> 10· · · · A· -- there are thousands that come through.<br/> 11· ·So they don't -- there would be no possible way for three<br/> 12· ·of them to do any deep digging into what's going on.<br/> 13· · · · Q· Okay. And so did anybody tell you that<br/> 14· ·they're just sanity checks?<br/> 15· · · · A· Oh, yes. My -- I mean, Carolyn, when<br/> 16· ·we've talked about what it is she's looking at and what<br/> 17· ·it is she's going -- she's going through, she and I have<br/> 18· ·talked about, before, how this is just making sure<br/> 19· ·nothing crazy is going on.<br/> 20· · · · Q· Uh-huh. Okay. And what about at the EVP<br/> 21· ·level, those are sanity checks as well?<br/> 22· · · · A· Yes, I believe so.<br/> 23· · · · Q· Okay. All right. And how do you know<br/> 24· ·they're only sanity checks there?<br/> 25· · · · A· Also because at this level, people are</p> <p><b>169</b></p> <p>1· ·pretty far removed from the individuals themselves and<br/> 2· ·the -- the data, the actual data.<br/> 3· · · · Q· Uh-huh.<br/> 4· · · · A· And because they have a lot -- a lot of<br/> 5· ·volume that will come through to them as well and -- they<br/> 6· ·simply don't get into that kind of detail when it come --<br/> 7· ·they have much bigger strategic and visionary work to do<br/> 8· ·than get into the minutiae of an offer.</p> |                  |
| <p><b>170:10-171:8</b></p> <p>10· · · · Q· All right. What about SVP, senior vice<br/> 11· ·president?<br/> 12· · · · ·MS. CONNELL: Objection. Vague.<br/> 13· · · · A· What about them?<br/> 14· · · · Q· (By Mr. Song) What -- do -- they do sanity<br/> 15· ·checks, correct?<br/> 16· · · · A· I would -- yes, I would say that theirs is<br/> 17· ·a sanity check, unless the hire is for someone right<br/> 18· ·below them. I mean, it really -- it depends on how far<br/> 19· ·down -- if they're the first level after the submission,</p>   |                  |

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| <p>20· ·then they --<br/>21· · · · Q· Okay.<br/>22· · · · A· -- might look at it a little more closely,<br/>23· ·but --<br/>24· · · · Q· Okay. And then how do you know those are<br/>25· ·sanity checks at that level?</p> <p><b>171</b></p> <p>1· · · · A· Same answer.<br/>2· · · · Q· Okay. All right. And then if you could<br/>3· ·look at Exhibit --<br/>4· · · · A· If I could add to that. The other reason<br/>5· ·I know is because it's -- they're almost never changed.<br/>6· ·Like, it -- it almost never gets rejected or -- or<br/>7· ·changed or anything. So it really is -- if this passes<br/>8· ·the sniff test, if this passes sanity, it's good.</p>   |                  |
| <p><b>171:21-174:4</b></p> <p>21· · · · Q· Okay. And I wanted to -- I forgot to ask<br/>22· ·you about one page on Exhibit 7, so if you could turn to<br/>23· ·Exhibit 7, page 29.<br/>24· · · · · MS. CONNELL: You mean Bates Label 29 --<br/>25· · · · · MR. SONG: Yeah.</p> <p><b>172</b></p> <p>1· · · · · MS. CONNELL: -- or -- yeah.<br/>2· · · · · MR. SONG: Yeah. It's 56234-9.<br/>3· · · · A· Yes.<br/>4· · · · Q· (By Mr. Song) Okay. And do you -- do you<br/>5· ·recognize this slide?<br/>6· · · · A· I do. And this is one that I referenced,<br/>7· ·actually, earlier in my testimony.<br/>8· · · · Q· Yeah.<br/>9· · · · A· This is -- it's just a different --<br/>10· ·little -- slightly different format, but it is just<br/>11· ·reproduced from what was in the comp 101 training.<br/>12· · · · Q· Yeah, and I wanted to ask you about this.<br/>13· ·So I wanted to turn back to this.<br/>14· · · · · Can you explain -- can you tell us what<br/>15· ·this is and explain how it's used?<br/>16· · · · A· So, again, this is a -- this is a<br/>17· ·theoretical way to apply ranges.<br/>18· · · · Q· Sure.</p> |                  |

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| 19. . . . A. It doesn't necessarily always work exactly<br>20. according to theory.<br>21. . . . Q. Uh-huh.<br>22. . . . A. But ideally, someone who comes in fully<br>23. experienced, competent, ready to perform for a job, we<br>24. would expect would be paid right around the midpoint for<br>25. that job. Somebody who's still learning their role,   |                  |
| <b>173</b>   |                  |
| 1. maybe they're not contributing at quite the right<br>2. standard, they might be lower in the range.<br>3. . . . . And that's why when I was saying you can't<br>4. make any determination about what the right compa-ratio<br>5. would be for somebody, because there are factors involved<br>6. in -- in why they may be positioned a certain way in the<br>7. range.<br>8. . . . . And then similarly, the higher quartiles,<br>9. if their contribution is exceptionally high or they're<br>10. ready for promotion, they might be higher in that range<br>11. because they're ready to go to the next step, and the<br>12. next range would be higher.<br>13. . . . Q. Okay. And when it says -- next to<br>14. "Market," it says, "External equity"?<br>15. . . . A. Uh-huh.<br>16. . . . Q. And what's that?<br>17. . . . A. So those are our salary surveys.<br>18. . . . Q. Like from Radford and --<br>19. . . . A. Yeah.<br>20. . . . Q. Oh, it's -- okay.<br>21. . . . A. Yeah.<br>22. . . . Q. And then what about next to "Peers," it<br>23. says, "Internal equity"?<br>24. . . . A. Uh-huh.<br>25. . . . Q. What does that mean? |                  |
| <b>174</b>   |                  |
| 1. . . . A. So the internal -- the people on the team<br>2. who perform the same role, working on the same products,<br>3. exact same responsibilities, at the same level, in the<br>4. same location.   |                  |
| <b>174:5-13</b>  |                  |
| 5. . . . Q. Okay. And would that be under the same   |                  |

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| <p>6 · manager, all the --<br/>           7 · · · · A · Typically.<br/>           8 · · · · Q · All the peers? Okay.<br/>           9 · · · · A · It could get a little broader than that.<br/>           10 · I mean, it -- it could get a little broader; if there's<br/>           11 · only one or two, we might say, "Let's move up so we have<br/>           12 · a little bigger sample size," but it's under specific<br/>           13 · team.</p>  |                  |
| <p><b>178:19-180:15</b></p> <p>19 · · · · Q · Okay. Does product factor into pay?<br/>           20 · · · · A · Product --<br/>           21 · · · · Q · Like the product that the employee works<br/>           22 · on?<br/>           23 · · · · A · Absolutely.<br/>           24 · · · · Q · Okay. And how -- how does it factor into<br/>           25 · pay?</p> <p><b>179</b></p> <p>1 · · · · A · So it factors into the pay for the<br/>           2 · individual. It does not factor in for the salary range<br/>           3 · piece, the range that we assign internally at Oracle. As<br/>           4 · I said, our ranges are intentionally broad to account for<br/>           5 · things such as product and location and that.<br/>           6 · · · · · And I believe I went over an example<br/>           7 · earlier where a product would impact. Say, for example,<br/>           8 · somebody has an older skill that is not as highly<br/>           9 · commanded in the market and like -- like the JD Edwards,<br/>           10 · product development of the JD Edwards product or<br/>           11 · maintaining the JD Edwards product. That's just not a<br/>           12 · hot product anymore, and so the market is not dictating<br/>           13 · that we must pay them in the fourth quartile.<br/>           14 · · · · · Conversely, we've got the hot skills of,<br/>           15 · like, machine learning or artificial intelligence or some<br/>           16 · areas of -- of cloud, where the market is incredibly hot,<br/>           17 · there isn't as much talent out there for it, and a lot of<br/>           18 · us high-tech companies are competing for that talent.<br/>           19 · · · · · So therefore, their knowledge of that<br/>           20 · particular product and that particular technology would<br/>           21 · warrant them higher in the range.<br/>           22 · · · · Q · Okay. And recommending a salary for an<br/>           23 · employee who's working on, say, a hot -- a hot product?<br/>           24 · · · · A · Uh-huh.<br/>           25 · · · · Q · Do they have to justify that in writing</p> |                  |

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| <p><b>180</b></p> <p>1· · anywhere?<br/>                 2· · · · · MS. CONNELL: Objection. Asked and<br/>                 3· · answered.<br/>                 4· · · A· Generally, in the offer, if it's going to<br/>                 5· · be high in the range -- or -- and really anywhere in the<br/>                 6· · range, the manager does give a little blurb about what it<br/>                 7· · is they bring to the table and what they might -- and<br/>                 8· · their reason for putting the salary where it is.<br/>                 9· · · · · Not required, but in general --<br/>                 10· · · Q· Okay.<br/>                 11· · · A· -- like I said, they don't -- they're not<br/>                 12· · interested in sending something up that isn't going to<br/>                 13· · get approved, so they will -- they will document their<br/>                 14· · reasons behind the decision to expedite the process of<br/>                 15· · approval.</p>  |                  |
| <p><b>180:16-181:9</b></p> <p>16· · · Q· (By Mr. Song) Okay. And is there<br/>                 17· · something in the guidelines about how to consider product<br/>                 18· · in making a pay decision?<br/>                 19· · · · · MS. CONNELL: Objection. The documents<br/>                 20· · speak for themselves.<br/>                 21· · · A· Off the top of my head, I don't know if we<br/>                 22· · specifically say "product" in the guidelines.<br/>                 23· · We talk about how the ranges are broad to<br/>                 24· · allow managers to account for difference in experience,<br/>                 25· · skills, competencies, and performance of the candidates</p> <p><b>181</b></p> <p>1· · and incumbents. And so I would say what they bring to<br/>                 2· · that product would be their -- some of their skills and<br/>                 3· · competencies would be relevant to what it is they're<br/>                 4· · going to work on because the -- you -- likely, we would<br/>                 5· · be looking for machine learning skills in order to<br/>                 6· · perform the machine learning roles here.<br/>                 7· · So I think it kind of is baked into that,<br/>                 8· · but a specific product name or specific product, we don't<br/>                 9· · call that out as something different here.</p> |                  |
| <p><b>181:10-183:2</b></p> <p>10· · · Q· (By Mr. Song) Okay. Because, yeah, I<br/>                 11· · didn't see anything in here specifically about how to</p>   |                  |

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| <p>12· · factor into -- factor in product into pay.<br/> 13· · · · · But I wanted to know if you knew of<br/> 14· · anything specific?<br/> 15· · · · A· Yeah. I don't believe we mention product,<br/> 16· · but what they can -- in order to get hired into a<br/> 17· · product, your skills and experience and competencies<br/> 18· · would be part of that experience.<br/> 19· · · · Q· Okay.<br/> 20· · · · A· Or would be part of that, kind of how you<br/> 21· · can contribute to that product.<br/> 22· · · · Q· So that's more of an unwritten guideline<br/> 23· · or guidance?<br/> 24· · · · · MS. CONNELL: Objection. Misstates her<br/> 25· · testimony.</p> <p><b>182</b></p> <p>1· · · · A· It's -- it's known that certain --<br/> 2· · depending on the product you're working on, your skills<br/> 3· · and experience and competencies will be different, and so<br/> 4· · what you bring to the table and what -- what you're going<br/> 5· · to be working on here is what factors in.<br/> 6· · · · Q· (By Mr. Song) Okay. Yeah. I think I<br/> 7· · understand that.<br/> 8· · · · · But I'm just trying to get to the<br/> 9· · guidance, of whether there is specific guidance on how to<br/> 10· · do that or how to factor into, you know, a pay decision<br/> 11· · what the product is?<br/> 12· · · · · MS. CONNELL: Objection. Asked and<br/> 13· · answered.<br/> 14· · · · Q· (By Mr. Song) So it doesn't sound like<br/> 15· · there's anything written --<br/> 16· · · · A· You know --<br/> 17· · · · Q· -- in the guidelines?<br/> 18· · · · A· -- as I said --<br/> 19· · · · · MS. CONNELL: Objection. Asked and<br/> 20· · answered. The documents speak for themselves, and<br/> 21· · mischaracterizes her testimony.<br/> 22· · · · A· It doesn't say the word "product," but the<br/> 23· · experience and the skills and the competencies that<br/> 24· · people bring is what makes them qualified to work on a<br/> 25· · certain product. Therefore, it can all be encompassed in</p> |                  |

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| <p><b>183</b></p> <p>1. · what helps to make their decision on where to position<br/>                 2. · their pay.</p>  |                  |
| <p><b>185:1-186:1</b></p> <p>1. · . . . . Okay. This exhibit has been previously<br/>                 2. · marked as 84.<br/>                 3. · . . . . MS. CONNELL: Thank you.<br/>                 4. · . . . . MR. SONG: Oh, thanks.<br/>                 5. · . . . . MS. CONNELL: Just for the record, I'll<br/>                 6. · designate this as -- I think it was marked confidential,<br/>                 7. · so it should retain that designation.<br/>                 8. · . . . . THE WITNESS: Yeah.<br/>                 9. · . . . . MR. SONG: Okay.<br/>                 10. · . . . . MS. CONNELL: And also for the record,<br/>                 11. · this appears to just be snippets.<br/>                 12. · . . . . THE WITNESS: Screenshots.<br/>                 13. · . . . . MR. SONG: Yes.<br/>                 14. · . . . . MS. CONNELL: Screenshots of -- so it's an<br/>                 15. · incomplete -- no, it looks like it's multiple screenshots<br/>                 16. · of a video.<br/>                 17. · . . . . MR. SONG: Yes. That's correct.<br/>                 18. · . . . . MS. CONNELL: It's not the complete video.<br/>                 19. · So I'll object that it's an incomplete<br/>                 20. · exhibit.<br/>                 21. · . . . . MR. SONG: Yeah. They're -- they're<br/>                 22. · screenshots of a video, that's correct.<br/>                 23. · . . Q. (By Mr. Song) Do you recognize any of<br/>                 24. · these screenshots?<br/>                 25. · . . A. Well, I mean, I recognize them as part of</p> <p><b>186</b></p> <p>1. · our workforce compensation tool.</p> |                  |
| <p><b>186:1-11</b></p> <p>1. · our workforce compensation tool.<br/>                 2. · . . Q. Okay. And can you tell us about your<br/>                 3. · workforce compensation tool?<br/>                 4. · . . . . MS. CONNELL: Objection. Vague.<br/>                 5. · . . A. It's the tool that we use to -- when I<br/>                 6. · spoke at the beginning about how my team administers our<br/>                 7. · annual programs --<br/>                 8. · . . Q. (By Mr. Song) Uh-huh.</p>   |                  |

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| 9. . . . A. -- it's the tool that we used for managers<br>10. to go in and input either base salary increases or<br>11. bonuses or equity grants.  |                  |
| <b>186:12-15</b><br><br>12. . . . Q. Uh-huh. Okay. And this would be used<br>13. by -- this is the type of tool that would be -- or this<br>14. is the tool that would be used by a manager?<br>15. . . . A. Correct.  |                  |
| <b>192:19-194:5</b><br><br>19. . . . Q. Then what's the average kind of time frame<br>20. of when you guys do focals?<br>21. . . . MS. CONNELL: Objection. Assumes facts<br>22. and vague.<br>23. . . . A. I would say in the 14 to 18 months, maybe.<br>24. We've had a lot of different effective dates in the time<br>25. that I have been here, and we have had other years where<br><br><b>193</b><br><br>1. we have not had anything at all.<br>2. . . . Q. (By Mr. Song) Okay. And then who decides<br>3. when to have them?<br>4. . . . A. Our CEOs.<br>5. . . . Q. And do you know how they decide?<br>6. . . . A. It has to do with business conditions and<br>7. what we can afford at the time.<br>8. . . . Q. Just those -- just those two things?<br>9. Like --<br>10. . . . A. I don't know what else goes into their<br>11. head.<br>12. . . . Q. Okay.<br>13. . . . A. But that's what --<br>14. . . . Q. Okay.<br>15. . . . A. They are looking at Oracle globally and<br>16. what is in the best interest of the company.<br>17. . . . Q. Okay. So once they decide they're going<br>18. to have a -- Oracle's going to have a focal review, what<br>19. do they do next? How do they implement it or how do they<br>20. get it done?<br>21. . . . A. They let me know that we're going to do<br>22. it, and we -- we actually are -- we propose to them<br>23. country budgets, to say: Around the world, this is what<br>24. the budget should be per country, as a percentage of |                  |

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| <p>25. ·eligible salaries.</p> <p><b>194</b></p> <p>1. · . . . . And then we give them the ballpark overall<br/>2. ·expense that that would mean, and if they give us the<br/>3. ·go-ahead to run a program, we start setting up our<br/>4. ·workforce compensation program, and we put together a<br/>5. ·timeline and start the communication with leadership.</p>   |                  |
| <p><b>196:5-7</b></p> <p>5. · . . .Q.· Okay. And -- but there's still the sanity<br/>6. ·checks at the top for -- for these focal review<br/>7. ·approvals?</p>  |                  |
| <p><b>196:8-18</b></p> <p>8. · . . . A.· At the very top, the -- it's more, it --<br/>9. ·the -- they confirm that everybody stayed within the<br/>10. ·budget they were given.<br/>11. · . . . . So at the end of a program, I present a<br/>12. ·summary to our CEOs and CT- -- executive vice -- or<br/>13. ·executive chairman and CTO that shows: This was their<br/>14. ·eligible head count, this is who -- this is how many got<br/>15. ·a raise, this was their budget, and this was their spend.<br/>16. · . . . . And as long as everybody stayed within the<br/>17. ·budget they were given, we get the green light to post,<br/>18. ·to process them.</p>                           |                  |
| <p><b>205:20-207:16</b></p> <p>20. · . . . Q.· And this was -- this document I'm going to<br/>21. ·show you was previously marked as Exhibit 13 in your<br/>22. ·previous deposition.<br/>23. · . . . A.· Uh-huh.<br/>24. · . . . Q.· Give you a minute to look it over.<br/>25. · . . . A.· Uh-huh.</p> <p><b>206</b></p> <p>1. · . . . Q.· And do you recall seeing this document?<br/>2. · . . . A.· I have seen it, yeah.<br/>3. · . . . Q.· Okay. And can you tell me --<br/>4. · . . . . MS. CONNELL: Excuse me.<br/>5. · . . . Q.· (By Mr. Song) Can you tell us what this<br/>6. ·is, please.<br/>7. · . . . A.· It's the FAQ for the enactment of the<br/>8. ·prior pay asking ban.</p> |                  |

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| <p>9. . . . Q. Okay. Or the -- or the policy, the<br/> 10. compensation policy?<br/> 11. . . . A. The compensation policy to not ask, yes.<br/> 12. . . . Q. Okay. And is this the document that you<br/> 13. were referring to earlier, that you had received a<br/> 14. document or an email regarding the policy?<br/> 15. . . . A. I don't recall if this was part of that<br/> 16. email. Yeah, I don't recall exactly if this was part of<br/> 17. the email. I know this is now available to managers<br/> 18. online. It's accessible and posted and --<br/> 19. . . . Q. Okay.<br/> 20. . . . A. -- made available.<br/> 21. . . . Q. Okay. And have you seen any other<br/> 22. documents regarding this compensation policy?<br/> 23. . . . A. I believe I reviewed with my attorneys<br/> 24. yesterday a training, maybe, that was conducted on this<br/> 25. policy.</p> <p><b>207</b></p> <p>1. . . . Q. Uh-huh.<br/> 2. . . . A. And -- and actually, I've seen the<br/> 3. written -- the written policy itself. I've -- I've seen<br/> 4. that in writing as well, and I know that's posted --<br/> 5. . . . Q. Okay.<br/> 6. . . . A. -- internally.<br/> 7. . . . Q. And that's posted where?<br/> 8. . . . A. Internally --<br/> 9. . . . Q. Okay.<br/> 10. . . . A. -- for Oracle managers.<br/> 11. . . . Q. Okay.<br/> 12. . . . A. Yeah.<br/> 13. . . . Q. Okay. And then -- so other than the<br/> 14. written policy, the training, this document, are you<br/> 15. aware of any other documents relating to this policy?<br/> 16. . . . A. I am not. I don't think so.</p> |                  |
| <p><b>207:21-209:12</b></p> <p>21. . . . . So this has previously been marked as<br/> 22. Exhibit 80.<br/> 23. (A pause occurred in the proceedings.)<br/> 24. . . . A. Okay.<br/> 25. . . . Q. Okay. Do you recognize this document?</p>  |                  |

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| <p><b>208</b></p> <p>1. . . . A. Yes, I do.<br/>2. . . . Q. Okay. And can you tell us what this is,<br/>3. please.<br/>4. . . . A. Okay. So I recognize -- I don't recognize<br/>5. this, like, as in the specific fields, but I recognize<br/>6. this to be the offer form --<br/>7. . . . Q. Uh-huh.<br/>8. . . . A. -- that goes through iRecruitment. Not<br/>9. this specific offer for Daniel Chan, but I recognize the<br/>10. form itself.<br/>11. . . . Q. Okay. And under "Terms and Conditions,"<br/>12. do you see all of those different fields or columns?<br/>13. . . . A. Yes.<br/>14. . . . Q. Okay. And it says "Mandatory" next to<br/>15. most of them, it looks like.<br/>16. . . . Do you know what that means?<br/>17. . . . A. If I know the definition of the word<br/>18. "mandatory"?<br/>19. . . . Q. Or --<br/>20. . . . A. It means --<br/>21. . . . Q. -- what is --<br/>22. . . . A. -- it's required.<br/>23. . . . Q. Okay. So these fields would be required?<br/>24. . . . A. Yeah. I mean, yes. This makes it appear<br/>25. that way, but remember, I already testified that there --</p> |                  |
| <p><b>209</b></p> <p>1. I don't see the asterisk here, but I do not believe that<br/>2. if this -- if the previous employer and compensation<br/>3. information were left blank, they wouldn't have been<br/>4. prohibited from submitting the form.<br/>5. So yes, I see that it's written<br/>6. "Mandatory," but if it was left blank, they would have<br/>7. still been able to go through.<br/>8. . . . Q. Okay. So here, you see that, towards the<br/>9. bottom of the "Terms and Conditions," it says,<br/>10. "Candidate's previous employer and compensation," and it<br/>11. lists "Mandatory" next to that?<br/>12. . . . A. Uh-huh.</p>  |                  |

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| <b>212:24-214:21</b>  |                  |
| 24. . . . . Okay. This is previously marked as<br>25. . Exhibit 81.   |                  |
| <b>213</b>  |                  |
| 1. . . . . (A pause occurred in the proceedings.)<br>2. . . . Q. Have you had a chance to review it?<br>3. . . . A. Yes.<br>4. . . . Q. Okay. And this -- do you recognize this<br>5. . document?<br>6. . . . A. I believe it's the same as the previous,<br>7. . just a different person.<br>8. . . . Q. Okay. And you haven't seen this specific<br>9. . document for Mohammad Mobin, right?<br>10. . . . A. I have not.<br>11. . . . Q. Okay. But this also has the "Mandatory"<br>12. . next to "previous employer and compensation"?<br>13. . . . . MS. CONNELL: Objection. The document<br>14. . speaks --<br>15. . . . A. It --<br>16. . . . . MS. CONNELL: -- for itself.<br>17. . . . A. It appears that word is on there.<br>18. . . . Q. (By Mr. Song) Okay. Thank you.<br>19. . . . . Okay. Here's a document that's been<br>20. . marked as Exhibit 85.<br>21. . . . . (A pause occurred in the proceedings.)<br>22. . . . Q. Okay. Do you recognize this document?<br>23. . . . A. Yes.<br>24. . . . Q. Okay. Can you tell us what it is, please.<br>25. . . . A. This is the form for the iRecruitment |                  |
| <b>214</b>  |                  |
| 1. . offer submission. Again, I haven't seen this particular<br>2. . person, but it's a standard form.<br>3. . . . Q. Okay. And then on page 2 of that exhibit,<br>4. . do you see the "Approval History"?<br>5. . . . A. Yes.<br>6. . . . Q. On -- on the second column?<br>7. . . . . And so are these the people that -- that<br>8. . approved this iRecruitment offer sheet or form in<br>9. . order --<br>10. . . . A. It would --   |                  |

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| <p>11. . . . Q. -- is that --</p> <p>12. . . . A. -- appear that way.</p> <p>13. . . . Q. Okay. And then the first person, is that</p> <p>14. the core comp? Who is -- is that -- I'm not sure if I'm</p> <p>15. even reading that correctly, but is that what it says,</p> <p>16. core comp?</p> <p>17. . . . A. Corp, "CORPCOMP," that's corporate</p> <p>18. compensation, and there was an email alias where all of</p> <p>19. these would get sent to.</p> <p>20. . . . Q. Okay.</p> <p>21. . . . A. As a general review.</p>  |   |
| <p><b>220:17-222:19</b></p> <p>17. . . . . Okay. This is Exhibit 86.</p> <p>18. . . . . (A pause occurred in the proceedings.)</p> <p>19. . . . . MS. CONNELL: I would just again note for</p> <p>20. the record that this appears to be documentation related</p> <p>21. to the same individual who was hired in May of -- well --</p> <p>22. . . . . THE WITNESS: 2010.</p> <p>23. . . . . MS. CONNELL: Yeah, May of 2010.</p> <p>24. . . . . And you can certainly ask questions about</p> <p>25. it, but it's outside the scope of the PM topics for which</p> <p><b>221</b></p> <p>1. she has been designated.</p> <p>2. . . . . MR. GARCIA: And I'm going to correct the</p> <p>3. record for that because this is a person's personal</p> <p>4. history and the date's 2016, so it is included within the</p> <p>5. scope of the deposition.</p> <p>6. . . . . MS. CONNELL: No, I disagree with that</p> <p>7. since we're talking --</p> <p>8. . . . . MR. GARCIA: If you look on the very last</p> <p>9. page of the exhibit, you see a date of 2016, so</p> <p>10. therefore, it would be within scope.</p> <p>11. . . . . MS. CONNELL: Okay. Who's taking this</p> <p>12. deposition?</p> <p>13. . . . . MR. GARCIA: I -- I --</p> <p>14. . . . . MS. CONNELL: You can't have two</p> <p>15. attorneys --</p> <p>16. . . . . MR. GARCIA: No.</p> <p>17. . . . . MS. CONNELL: -- on this.</p> <p>18. . . . . MR. GARCIA: If you're going to say</p> <p>19. something that's incorrect about the record --</p> | <p>Oracle objects that OFCCP has designated testimony that lacks foundation. If Oracle's objection is overruled, Oracle adds as a counter-designation 222:20-24</p> |

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| <p>20· . . . . MS. CONNELL: Well, I think the rules are<br/>                 21· ·pretty clear that there’s only one attorney.<br/>                 22· . . . . MR. GARCIA: Okay.<br/>                 23· . . . . MS. CONNELL: So that’s Mr. Song, he’s<br/>                 24· ·taking this deposition, and if he wants to -- responds to<br/>                 25· ·my objection, he can do that.</p> <p><b>222</b></p> <p>1· . . . . MR. GARCIA: Okay.<br/>                 2· . . . . MS. CONNELL: If you want to switch seats<br/>                 3· ·or -- you know, but I think --<br/>                 4· . . . . Why don’t you continue.<br/>                 5· . . . Q· (By Mr. Song) Have you had a chance to<br/>                 6· ·review the document?<br/>                 7· . . . A· Yes.<br/>                 8· . . . Q· Yeah?<br/>                 9· . . . . And do you recognize this document?<br/>                 10· . . . A· Not for this specific individual, but I<br/>                 11· ·recognize the screenshots as general screenshots from our<br/>                 12· ·systems.<br/>                 13· . . . Q· Okay. And which system is that?<br/>                 14· . . . A· This would be from our E-Business Suite,<br/>                 15· ·our old -- it’s -- we don’t use it anymore, but it’s from<br/>                 16· ·E-Business Suite.<br/>                 17· . . . Q· Okay. And what would this be used for?<br/>                 18· . . . A· It looks like it’s the HR -- the HR<br/>                 19· ·management system record for an individual employee.</p> |                  |
| <p><b>226:16-227:18</b></p> <p>16· . . . . I’m trying to learn more about performance<br/>                 17· ·reviews and how they’re conducted at Oracle.<br/>                 18· ·MS. CONNELL: Same objections.<br/>                 19· . . . A· Performance -- so performance reviews,<br/>                 20· ·first of all, aren’t centrally mandatory. Some<br/>                 21· ·organizations do them and some don’t.<br/>                 22· . . . . Typically, they would be done at the end<br/>                 23· ·of a fiscal year, and our fiscal year ends May 31 of each<br/>                 24· ·year. And managers may or may not conduct a formal<br/>                 25· ·review and enter a rating for their employees and have a</p> <p><b>227</b></p> <p>1· ·conversation about their performance for the prior year.<br/>                 2· . . . Q· (By Mr. Song) Okay. And are there</p>  |                  |

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| <p>3· guidelines regarding performance reviews?<br/>           4· . . . . MS. CONNELL: Same objections. Beyond the<br/>           5· scope.<br/>           6· . . . A· That’s not a compensation -- I don’t --<br/>           7· I’m not responsible for that area --<br/>           8· . . . Q· (By Mr. Song) Okay.<br/>           9· . . . A· -- of HR. So I don’t know.<br/>           10· . . . Q· Okay. But you said performance reviews,<br/>           11· there’s guidelines saying performance reviews should be<br/>           12· considered in pay decisions, right?<br/>           13· . . . . MS. CONNELL: Objection. Misstates her<br/>           14· testimony.<br/>           15· . . . A· I don’t believe I said performance reviews<br/>           16· should be considered. I said that one of the points in<br/>           17· the training says, “You could consider performance as,”<br/>           18· but specific performance reviews, that’s not mentioned.</p> |  |
| <p><b>228:6-9</b></p> <p>6· . . . Q· (By Mr. Song) Okay. So performance<br/>           7· reviews are not required --<br/>           8· . . . A· They are not.<br/>           9· . . . Q· -- at Oracle?</p>  |  |
| <p><b>231:9-233:14</b></p> <p>9· . . . . So it’s 414387.<br/>           10· . . . A· -387?<br/>           11· . . . Q· Yeah.<br/>           12· . . . A· Okay.<br/>           13· . . . Q· Just the -- if you look at the salary<br/>           14· histories -- history back there.<br/>           15· . . . . And I’m sorry, this is like -- “Salary<br/>           16· History” --<br/>           17· . . . A· I was going to say, I have --<br/>           18· . . . Q· -- hard to read.<br/>           19· . . . A· -- good eyes, but they’re not --<br/>           20· . . . Q· Oh, if you look --<br/>           21· . . . A· -- this good.<br/>           22· . . . Q· If you go further back, we actually blew<br/>           23· up the page.<br/>           24· . . . A· Okay.<br/>           25· . . . Q· Okay. And if you look at these salary</p>  | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |
| <p><b>232</b></p>  |  |

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| <p>1· histories, can you help us kind of decipher this or<br/>                 2· interpret this salary history?<br/>                 3· . . . A· So I can't -- if I'm looking at the very<br/>                 4· top part of this document --<br/>                 5· . . . Q· Okay.<br/>                 6· . . . A· -- I can't tell what the date is at the<br/>                 7· bottom, but that's -- my guess is that was -- I don't<br/>                 8· know. Was it hire -- I don't know.<br/>                 9· . . . Q· Yeah, I --<br/>                 10· . . . A· But it --<br/>                 11· . . . Q· -- can't see.<br/>                 12· . . . A· -- it appears that on December 7 -- or on<br/>                 13· December 1 of 2007, this person got a 5 percent raise, a<br/>                 14· little over \$4,000. On September 1, 2011, this person<br/>                 15· got a 5.986 percent raise for a little over \$5,000. On<br/>                 16· the 10th of November, 2014, it looks like there was a<br/>                 17· 2 percent raise for \$1,800. And then on October 1 of<br/>                 18· 2015, another 2 percent for a little over \$1,800.<br/>                 19· . . . Q· Okay. And then if you go to the right<br/>                 20· of -- of those -- of that chart?<br/>                 21· . . . A· Uh-huh.<br/>                 22· . . . Q· It has the grade, it looks like E.9 or<br/>                 23· something like that, is that what it says?<br/>                 24· . . . A· That's what it says for the top three, it<br/>                 25· looks like.</p> <p><b>233</b></p> <p>1· . . . Q· Okay. And I think you might have<br/>                 2· mentioned what those were before, but I've forgotten.<br/>                 3· Sorry.<br/>                 4· . . . . What is that, the grade, the E.9 or<br/>                 5· whatever that is?<br/>                 6· . . . A· The grade represents the salary range that<br/>                 7· would apply. It's --<br/>                 8· . . . Q· Okay.<br/>                 9· . . . A· Every job in E.9 is assigned a range, and<br/>                 10· then if there's a geo diff, there might be a geo diff,<br/>                 11· but E.9 represents what range gets assigned to -- to<br/>                 12· that.<br/>                 13· . . . Q· And sorry, but what's a "geo diff"?<br/>                 14· . . . A· Geographic differential.</p> |                  |
| <b>235:13-238:10</b>  |                  |

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| <p>13. . . . Q. (By Mr. Song) Ms. Waggoner, I'd like you<br/>14. to turn back to Exhibit 84. I just have a few follow-up<br/>15. questions.<br/>16. . . . A. Okay.<br/>17. . . . Q. So regarding the fields that we discussed<br/>18. earlier that are next to "Employee Name" on this exhibit,<br/>19. for example, Current Salary, Focal Eligible Salary, et<br/>20. cetera --<br/>21. . . . A. Yes.<br/>22. . . . Q. -- all those.<br/>23. . . . . Are there any fields missing from this<br/>24. exhibit?<br/>25. . . . . MS. CONNELL: Objection. Vague. Calls</p>   |                  |
| <p><b>236</b></p>  |                  |
| <p>1. for speculation.<br/>2. . . . A. So our -- this particular product, a<br/>3. manager could add -- there's all sorts of -- see where<br/>4. there's a drop-down menu: "Actions; View; Format;" right<br/>5. above the "Employee Name" is "Region," and then right<br/>6. above "Region," --<br/>7. . . . Q. (By Mr. Song) Yes.<br/>8. . . . A. -- it says "Actions"??<br/>9. . . . . So under "Actions," there's a drop-down<br/>10. menu.<br/>11. . . . Q. Okay.<br/>12. . . . A. Where it could say -- I forget what the --<br/>13. "Add Columns," or something like that, and there's a<br/>14. whole host of --<br/>15. . . . Q. Oh.<br/>16. . . . A. -- stuff that could be -- it's more --<br/>17. nothing -- nothing compensation related --<br/>18. . . . Q. Oh, okay.<br/>19. . . . A. -- is not on here. But, like, I get --<br/>20. country is in there. What else is in that? I can't<br/>21. remember all this stuff. The person ID number.<br/>22. . . . Q. Okay.<br/>23. . . . A. Stuff relevant to that particular<br/>24. employee, but not compensation relevant.<br/>25. . . . Q. Okay. So not, like, the columns that are</p> |                  |
| <p><b>237</b></p>  |                  |

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| <p>1 · to the right of the name, like “New Salary” --</p> <p>2 · · · · A · Yeah, yeah.</p> <p>3 · · · · Q · -- not those types of things?</p> <p>4 · · · · A · Compensation-relevant topics are all in</p> <p>5 · this screen -- in the screenshots.</p> <p>6 · · · · Q · Okay. And this is the compensation tool</p> <p>7 · that would be used for the focal review?</p> <p>8 · · · · A · Focal, bonus, or equity, yes.</p> <p>9 · · · · Q · Okay. And it looks like this one was from</p> <p>10 · 2017, is that right, the --</p> <p>11 · · · · A · Yes.</p> <p>12 · · · · Q · -- the 2000- --</p> <p>13 · · · · A · We -- the period was 2017. It was during</p> <p>14 · fiscal ‘18.</p> <p>15 · · · · Q · Okay.</p> <p>16 · · · · A · Because fiscal ‘18 started June 1 of 2017.</p> <p>17 · · · · Q · Sure.</p> <p>18 · · · · · Okay. And are -- so I think you said that</p> <p>19 · this is -- these are all the fields. But are there any</p> <p>20 · fields for gender that are missing, that are not here?</p> <p>21 · · · · A · No.</p> <p>22 · · · · Q · Okay. And what about for race?</p> <p>23 · · · · A · No.</p> <p>24 · · · · Q · Okay. And do you know if those have ever</p> <p>25 · been included in these fields?</p> <p><b>238</b></p> <p>1 · · · · A · No.</p> <p>2 · · · · Q · Okay. And then if a manager wanted to</p> <p>3 · consider race or gender, is there any way that they could</p> <p>4 · add it here?</p> <p>5 · · · · · MS. CONNELL: Objection. Incomplete</p> <p>6 · hypothetical.</p> <p>7 · · · · A · No.</p> <p>8 · · · · · MS. CONNELL: Vague.</p> <p>9 · · · · A · They can’t add fields or information to</p> <p>10 · this tool.</p> |                  |
| <p><b>238:11-239:5</b></p> <p>11 · · · · Q · (By Mr. Song) Okay. And then if you turn</p> <p>12 · to that last page of that exhibit -- or, I'm sorry, not</p> <p>13 · the last page -- page 4 of the exhibit, 417060-4.</p> <p>14 · · · · · And there's some -- if you look to the</p>  |                  |

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| <p>15· · columns to the right-hand corner -- the bottom-right-hand<br/> 16· · corner, there's a "Compensation Rating," "New<br/> 17· · Compensation Rating," "Ranking."<br/> 18· · . . . . . What are those?<br/> 19· · . . . A· · So within a compensation program -- and by<br/> 20· · "compensation program," I mean focal corporate bonus or<br/> 21· · equity -- managers are able to put in a rating, the<br/> 22· · Exceeds Expectations, Meets Expectations, Outstanding.<br/> 23· · They're able to put that in.<br/> 24· · . . . . . It doesn't feed into HRMS. That<br/> 25· · performance rating, that other rating we talked about in</p> <p><b>239</b><br/> 1· · Exhibit 86.<br/> 2· · . . . Q· · Okay.<br/> 3· · . . . A· · They're not -- they don't have to match.<br/> 4· · This is just for the compensation cycle only.<br/> 5· · . . . Q· · Okay.</p>   |                  |
| <p><b>239:6-24</b></p> <p>6· · . . . A· · The compensation rating prior, that<br/> 7· · populates if in the prior compensation program that we<br/> 8· · did in this tool, the prior program, if they put<br/> 9· · something in there, the prior program, it will come into<br/> 10· · this new one. And then they can give it a new rating if<br/> 11· · they want to. They can change that rating or not give a<br/> 12· · rating at all.<br/> 13· · . . . . . So that's -- it's a performance rating,<br/> 14· · but just for compensation purposes. It's not fed from<br/> 15· · any -- it's not -- it doesn't go anywhere else. It<br/> 16· · doesn't go to their official performance rating record or<br/> 17· · anything like that. It's just maintained and contained<br/> 18· · within our compensation program and our compensation<br/> 19· · module.<br/> 20· · . . . . . The ranking, most organizations do not use<br/> 21· · it. We have a couple different lines of business within<br/> 22· · product development that do, and that's essentially if --<br/> 23· · if you've got ten people on your team, you're ranking<br/> 24· · them 1 to 10.</p> |                  |
| <p><b>239:25-240:2</b></p> <p>25· · . . . Q· · Okay. And this information is input by</p> <p><b>240</b><br/> 1· · the manager, the employee's manager?</p>   |                  |

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| 2. . . . A. Correct.  |   |
| <b>240:24-247:3</b>   | Oracle objects that OFCCP has designated testimony that lacks foundation. |
| 24. . . . Q. All right. Okay. Then if you could turn<br>25. to page -- I mean, Exhibit 86 again.  |   |
| <b>241</b>  |   |
| 1. . . . . And then we'll start with 41438 -- I'm<br>2. sorry, 414384, her performance review, the page that<br>3. discusses her performance review?<br>4. . . . A. Yeah.<br>5. . . . Q. Okay. So, you know, we discussed earlier<br>6. that she got a 4, which exceeds expectations and<br>7. that's -- the highest is 5?<br>8. . . . A. Right.<br>9. . . . Q. So this is a -- would you say it's fair to<br>10. say she's a high-performing employee?<br>11. . . . . MS. CONNELL: Objection. Calls for<br>12. speculation. And beyond the scope of the PMK topics<br>13. for --<br>14. . . . A. I mean, as --<br>15. . . . . MS. CONNELL: -- which she's been<br>16. designated.<br>17. . . . A. As we discussed, on a 5-point scale, a 4<br>18. is higher than average. If -- if her team was ten people<br>19. and they were all 4s and 5s, is she among the top of<br>20. them? I -- I wouldn't know.<br>21. . . . Q. (By Mr. Song) Okay. And then if you turn<br>22. to the next page of that same exhibit.<br>23. She got -- her grade is E.9 and the<br>24. minimum -- the minimum was 98, and it looks like she's<br>25. making 91,800; is that correct? |   |
| <b>242</b>  |   |
| 1. . . . . MS. CONNELL: Objection. The document<br>2. speaks for itself.<br>3. . . . A. That is what the annual salary says, yes.<br>4. . . . Q. (By Mr. Song) Okay. Why would that be if<br>5. she's getting a 4?<br>6. . . . . MS. CONNELL: Objection. Calls for<br>7. speculation.<br>8. . . . A. I -- I don't have any idea. I mean, you<br>9. asked me about the history before. I don't know this   |   |

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| <p>10. person.<br/> 11. . . . Q. (By Mr. Song) Okay. The -- what would the<br/> 12. explanation be if somebody is performing, you know --<br/> 13. exceeding expectations -- we'll use Oracle's words -- why<br/> 14. would they get less than the minimum salary range?<br/> 15. . . . MS. CONNELL: Objection. Argumentative.<br/> 16. Calls for speculation. Beyond the scope of the topics<br/> 17. for which she's been designated. And incomplete<br/> 18. hypothetical.<br/> 19. . . . A. I -- I couldn't answer that with this<br/> 20. person.<br/> 21. . . . Q. (By Mr. Song) Does Oracle have any systems<br/> 22. in place to check for -- for issues like this and resolve<br/> 23. them?<br/> 24. . . . MS. CONNELL: Objection. Assumes facts,<br/> 25. that there's an issue to be addressed. Beyond the scope</p> <p><b>243</b></p> <p>1. of the topics for which she's been designated.<br/> 2. . . . A. Given that performance rating -- reviews<br/> 3. and ratings aren't mandatory, there isn't a mass way to<br/> 4. check for all of this, to -- to check for high rating,<br/> 5. low -- low salary. Not everybody gets a rating, so<br/> 6. there -- I wouldn't say there is a broad Oracle way to go<br/> 7. about conducting this, a review of it.<br/> 8. . . . Q. (By Mr. Song) Okay. Have you ever seen a<br/> 9. situation like this, where somebody who is getting a 4<br/> 10. performance review is -- is below the minimum?<br/> 11. . . . A. I wouldn't say that I've never seen it<br/> 12. before. I mean, obviously I'm being showed this -- shown<br/> 13. this example.<br/> 14. . . . Q. Uh-huh.<br/> 15. . . . A. It happens sometimes and, you know,<br/> 16. sometimes our budgets are leaner, we go a couple years<br/> 17. without raises and people fall behind. That's what<br/> 18. happens when the decision is made that we can't afford a<br/> 19. focal budget at any given time.<br/> 20. . . . Q. Okay. Well, you know, based on these<br/> 21. records, it looks like she was being paid below the<br/> 22. minimum for at least a few years, if we turn to the back<br/> 23. pages, the salary history where it's blown up.<br/> 24. So do you see that first chart, that I<br/> 25. think we looked at earlier?</p> |                  |

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| <p><b>244</b></p> <p>1. . . . A. Yeah, yes.<br/>                 2. . . . Q. So it looks like there's at least three<br/>                 3. years that she was below minimum, and maybe four.<br/>                 4. . . . A. Do you have a question for me?<br/>                 5. . . . Q. Yeah, yeah.<br/>                 6. So is there an explanation? Well, because<br/>                 7. you said that they might have been --<br/>                 8. . . . A. You've asked me this. I don't know. I<br/>                 9. don't know this person.<br/>                 10. . . . Q. No, no, no. I asked you -- my previous<br/>                 11. question was just about the year or two. Now, you know,<br/>                 12. we can see that it happened for four or five years, even<br/>                 13. though it's difficult to read.<br/>                 14. . . . . So -- and you -- and your explanation was:<br/>                 15. Well, we could have had a lean budget year. But now<br/>                 16. we're talking like four or five years?<br/>                 17. . . . A. We've had a lean --<br/>                 18. . . . . MS. CONNELL: Objection --<br/>                 19. . . . Q. (By Mr. Song) Lean four or five years?<br/>                 20. . . . . MS. CONNELL: -- misstatements --<br/>                 21. misstates the document. Argumentative. And it calls for<br/>                 22. speculation.<br/>                 23. . . . . MR. SONG: Okay. How is this misstating<br/>                 24. the document?<br/>                 25. . . . . MS. CONNELL: I don't think you've</p> <p><b>245</b></p> <p>1. established that she was below the minimum for five<br/>                 2. years.<br/>                 3. . . . . MR. SONG: Well, I think it -- so it's<br/>                 4. from -- it looks like 2011 to '15. I don't know if<br/>                 5. there's '16.<br/>                 6. . . . Q. (By Mr. Song) So -- well, regardless, four<br/>                 7. or five years, it's hard to tell from this chart, but is<br/>                 8. there an explanation for how a high-performing employee<br/>                 9. could be below minimum for that long?<br/>                 10. . . . . MS. CONNELL: Objection. Misstates the<br/>                 11. evidence. Lacks foundation. Calls for speculation.<br/>                 12. Argumentative.<br/>                 13. . . . A. I don't have -- I mean, I -- like I said,<br/>                 14. I don't know this specific instance.</p> |                  |

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| <p>15. . . . Q. (By Mr. Song) Uh-huh.<br/> 16. . . . A. In the time that I've been at Oracle, we<br/> 17. have had multiple pretty lean years.<br/> 18. . . . Q. Uh-huh.<br/> 19. . . . A. And even these increases of 2 percent,<br/> 20. it's possible that the budget was only 1 1/2, so it's<br/> 21. still bigger than the budget. There are -- I don't know<br/> 22. the reasons why she would stay below minimum for that<br/> 23. long.<br/> 24. . . . . It looks like she must have gotten a<br/> 25. promotion on the September 2011 because she went from</p> <p><b>246</b></p> <p>1. E.08 to E.09 and she got a 6 percent raise then. And<br/> 2. then from there, I mean, she went three years without a<br/> 3. raise and there's just lean -- lean budgets. I don't<br/> 4. know what the other reasons might be for this particular<br/> 5. individual.<br/> 6. . . . Q. All right. If there were lean budgets<br/> 7. those years, would everybody get the same or similar<br/> 8. raise, like 2 percent or something like that?<br/> 9. . . . . MS. CONNELL: Objection. Incomplete<br/> 10. hypothetical.<br/> 11. . . . A. No. We don't ever peanut butter any of<br/> 12. our budgets. It's still, you have to prioritize; when<br/> 13. budgets are lean, you have to prioritize, and we speak to<br/> 14. that in our training.<br/> 15. . . . Q. (By Mr. Song) Okay. But if she's been --<br/> 16. if she's been -- even if -- even in lean years, if she's<br/> 17. been below minimum for that many years, wouldn't she be a<br/> 18. priority to give a raise?<br/> 19. . . . . MS. CONNELL: Objection. Calls for<br/> 20. speculation. Lacks foundation.<br/> 21. . . . A. I think as I -- as I mentioned before,<br/> 22. having that 4 rating, if she's on a team of a bunch of 4s<br/> 23. and 5s and very high, there could be others who had --<br/> 24. who were a bigger priority, depending on maybe what she<br/> 25. was working on or -- or there could be -- there could be</p> <p><b>247</b></p> <p>1. different reasons for it.<br/> 2. . . . . But I can't -- I can't get inside this<br/> 3. manager's head for why there wasn't more done.</p> |                  |

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| <p><b>247:4-248:17</b></p> <p>3. . . . Q. (By Mr. Song) Okay. And then just going<br/>                     5. back to focal reviews for a minute.<br/>                     6. . . . . You said some -- some employees get raises<br/>                     7. during focal reviews and some don't. Do you have any<br/>                     8. idea what the percentages are?<br/>                     9. . . . A. I really -- I really don't. Some years --<br/>                     10. depending on the size of the budget, some years, it might<br/>                     11. be 40 percent of our population; other years, it might<br/>                     12. get up to 80 percent of the population. It can vary<br/>                     13. quite drastically.<br/>                     14. . . . Q. Okay. Is that tracked?<br/>                     15. . . . A. Yes. Our -- our workforce compensation<br/>                     16. tool does tell us what percentage was touched.<br/>                     17. . . . Q. Okay. And do you know, in 2019, what the<br/>                     18. percentage was?<br/>                     19. . . . A. In this most recently completed?<br/>                     20. . . . Q. Yeah. Or yeah, I'm sorry. Maybe it<br/>                     21. didn't happen in '19.<br/>                     22. . . . . Maybe '18, or the most recent one?<br/>                     23. . . . A. Okay. The most recent one, I want to say<br/>                     24. it was in the 60s. I don't know off the top of my head.<br/>                     25. . . . Q. Okay. And do you remember any previous</p> <p><b>248</b></p> <p>1. years or previous focal reviews?<br/>                     2. . . . A. Not off the top of my head --<br/>                     3. . . . Q. Okay.<br/>                     4. . . . A. -- I don't.<br/>                     5. . . . Q. But you think 60s for the most recent one?<br/>                     6. . . . A. I do think so.<br/>                     7. . . . Q. Okay. You think that was '18 or '19?<br/>                     8. . . . A. No, we just did it. It was effective<br/>                     9. June 1 of this year. We didn't have one in 2018.<br/>                     10. . . . Q. Okay.<br/>                     11. . . . A. I'm sorry. We had an increase effective<br/>                     12. June 1 of 2018. The process was -- the whole going<br/>                     13. through the process was done in late 2017 --<br/>                     14. . . . Q. Okay.<br/>                     15. . . . A. -- for effective January 1 of 2018. And<br/>                     16. then during 2018, we did not have a process at all. We<br/>                     17. didn't start one again until this spring of 2019.</p> | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |

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| <p><b>248:18-250:8</b></p> <p>18· . . . Q· Okay. And then you mentioned budgets,<br/> 19· · like lean budgets and things like that. So I wanted to<br/> 20· · talk about the role of budgets in setting pay for<br/> 21· · employees.<br/> 22· . . . . So can you tell us about the budget<br/> 23· · process for -- for paying employees?<br/> 24· . . . . MS. CONNELL: Objection. Assumes facts.<br/> 25· · Lacks foundation. And she's already testified about the</p> <p><b>249</b></p> <p>1· · budget process.<br/> 2· . . . A· What do you mean for -- I mean, are we<br/> 3· · talking, again, new hires, transfers, during a program,<br/> 4· · outside of a program? What are you talking about?<br/> 5· . . . Q· (By Mr. Song) Well, let's -- again, let's<br/> 6· · just start with new hires.<br/> 7· . . . . So it's different for -- there's a<br/> 8· · different budget for each of these groups of employees?<br/> 9· . . . A· Well, I don't get involved in budgets when<br/> 10· · it comes to anything outside of our annual programs.<br/> 11· . . . Q· Okay.<br/> 12· . . . A· So managers have budgets that they<br/> 13· · should -- they have their own individual budgets, and<br/> 14· · their salaries need to fall within their budgets. But<br/> 15· · that's --<br/> 16· . . . Q· Okay.<br/> 17· . . . A· -- not a -- a compensation-regulated or<br/> 18· · monitored process.<br/> 19· . . . Q· Okay. But their -- their salaries are<br/> 20· · limited by the budgets; is that correct?<br/> 21· . . . . MS. CONNELL: Objection. Misstates her<br/> 22· · testimony.<br/> 23· . . . A· I mean, I would say when a manager brings<br/> 24· · in a new hire, what they're going to pay that new hire,<br/> 25· · they -- in order to run a new -- good business, you have</p> <p><b>250</b></p> <p>1· · to stay within a budget that --<br/> 2· . . . Q· (By Mr. Song) Sure.<br/> 3· . . . A· -- you're given for the year, so they need<br/> 4· · to make decisions being conscious of what their budget is</p> |                  |

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| 5· · for that fiscal year, yes.<br>6· · · · Q· Okay. Well, let's -- since we just<br>7· · mentioned the most recent focal review --<br>8· · · · A· Uh-huh.   |                  |
| <b>250:9-253:19</b><br><br>9· · · · Q· -- is there a specific budget for focal<br>10· · review raises?<br>11· · · · A· Yes, there is.<br>12· · · · Q· Okay. So can you tell me how -- how that<br>13· · budget is derived, how is that calculated?<br>14· · · · A· Yes. So -- and I believe I talked to this<br>15· · a little bit just a little while ago. The --<br>16· · · · · MS. CONNELL: Just designate this as<br>17· · confidential.<br>18· · · · · But you can continue.<br>19· · · · · THE WITNESS: Yes.<br>20· · · · A· The -- we, in the global compensation<br>21· · team, do some market research and look at CPI and current<br>22· · market ratios for our entire global population.<br>23· · · · Q· (By Mr. Song) Uh-huh.<br>24· · · · A· And we come up with a recommendation for<br>25· · what might make sense in a given country.   |                  |
| <b>251</b><br><br>1· · · · · In the U.S., for example, if the CPI is<br>2· · 2.7 and the market's moving at about 3.3, we might say:<br>3· · Let's propose a 3 percent budget for the U.S. We put<br>4· · together our proposal for the budget percentages, and<br>5· · then we apply that to the eligible salaries of our<br>6· · employees in those countries. And then we come up with a<br>7· · massive number at the very, very top level --<br>8· · · · Q· Okay.<br>9· · · · A· -- to say: This is what our budget is<br>10· · going to be.<br>11· · · · Q· Uh-huh.<br>12· · · · A· We present that budget, then, to our CEOs<br>13· · and they let us know if we can afford that amount or not.<br>14· · If we can't afford it, we go in and we shave from certain<br>15· · countries.<br>16· · · · Q· Okay.<br>17· · · · A· Might take U.S. down to 2.8 or whatever so<br>18· · that we can get within an overall budget that we can |                  |

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| <p>19· ·afford --<br/>                 20· · · · Q· Okay.<br/>                 21· · · · A· -- for our business conditions at that<br/>                 22· ·time.<br/>                 23· · · · · So we start at the very, very, very top<br/>                 24· ·level.<br/>                 25· · · · Q· Okay.</p> <p><b>252</b></p> <p>1· · · · A· And then we plug in those country<br/>                 2· ·percentages. And then from there, the budget is assigned<br/>                 3· ·to each: Safra Catz, Mark Hurd, and Larry Ellison, and<br/>                 4· ·then it gets cascaded each level, one level at a time.<br/>                 5· · · · Q· Okay. And then once that budget is<br/>                 6· ·approved, can any changes be made to it?<br/>                 7· · · · · MS. CONNELL: Objection. Vague.<br/>                 8· · · · A· The very top level budget? I mean, we<br/>                 9· ·could -- Safra could say: We're going to spend a little<br/>                 10· ·bit more here.<br/>                 11· · · · Q· (By Mr. Song) Okay.<br/>                 12· · · · A· But it really -- we start out with that,<br/>                 13· ·and nobody has authority to make changes to that top<br/>                 14· ·number except for our CEOs.<br/>                 15· · · · Q· Okay. So once the managers get the budget<br/>                 16· ·cascaded down to them -- and so, for example, Safra,<br/>                 17· ·under her line of business, would decide how much each<br/>                 18· ·manager gets, what their budget is?<br/>                 19· · · · · MS. CONNELL: Objection. Assumes facts.<br/>                 20· ·Misstates her testimony.<br/>                 21· · · · A· It goes one level at a time.<br/>                 22· · · · Q· (By Mr. Song) Okay.<br/>                 23· · · · A· So I meet with Safra to ask her how she<br/>                 24· ·would like to push down her top number.<br/>                 25· · · · Q· Okay.</p> <p><b>253</b></p> <p>1· · · · A· Say her top -- her overall percentage<br/>                 2· ·globally is 3.8 percent.<br/>                 3· · · · Q· Okay.<br/>                 4· · · · A· Depending on the area that we're talking<br/>                 5· ·about, she might say -- you know, or actually, what I --<br/>                 6· ·what I usually start to do for her is model -- go back<br/>                 7· ·into the countries, because she might have a leader who</p> |                  |

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| <p>8· has a much larger population in India where that country<br/>9· percentage was 9 percent, and so maybe she would say,<br/>10· "Give them 5.7 because they've got U.S., they've got<br/>11· India, they've got people all over the world."<br/>12· . . . . So she makes the decision for the next<br/>13· level down --<br/>14· . . . Q· Okay.<br/>15· . . . A· -- what their budget would be, and then<br/>16· those reports make their decision for the next level<br/>17· down.<br/>18· . . . Q· Okay.<br/>19· . . . A· It goes, usually, one level at a time.</p>   |                  |
| <p><b>253:20-255:3</b></p> <p>20· . . . Q· Okay. So if you're at the bottom level,<br/>21· like the M-2 or M-1, you don't have any say in, like<br/>22· changing the budget or anything like that?<br/>23· . . . . MS. CONNELL: Objection. Misstates --<br/>24· . . . Q· (By Mr. Song) You're stuck with it?<br/>25· . . . . MS. CONNELL: Objection. Misstates her</p> <p><b>254</b></p> <p>1· testimony.<br/>2· . . . A· I wouldn't say you're stuck with it.<br/>3· . . . Q· (By Mr. Song) Okay.<br/>4· . . . A· Some -- sometimes -- and the budget<br/>5· cascading might stop at varying levels. Sometimes an M-2<br/>6· will get a budget, sometimes they won't.<br/>7· . . . . Sometimes -- they can enter in increases<br/>8· for people without having a budget in their -- in their<br/>9· module. They could make recommendation. They could<br/>10· enter that in without having -- having a budget given to<br/>11· them.<br/>12· . . . . Because sometimes you might get to, like,<br/>13· say the director level and they're going to say, "My<br/>14· budget is \$100,000. I'm going to hold it at my level,<br/>15· but let everybody else make the input. And then in the<br/>16· end, it's going to all work within my budget."<br/>17· . . . . So it varies at what level they get them.<br/>18· . . . Q· Uh-huh.<br/>19· . . . A· When you say, "Is the M-2 then stuck with<br/>20· that budget," not necessarily, because many of the<br/>21· leaders hold some in reserve, knowing --</p> |                  |

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| <p>22. . . . Q. Oh, okay.<br/>                 23. . . . A. -- that they will have people who say, "I<br/>                 24. have this situation, and the budget you gave me isn't<br/>                 25. going to be enough to rectify the situation. Could I</p> <p><b>255</b></p> <p>1. please have more?"<br/>                 2. . . . . So they're not necessarily stuck with it.<br/>                 3. There's a lot of conversation around that.</p>  |                  |
| <p><b>255:4-256:12</b></p> <p>4. . . . Q. Okay. So if -- if a manager is given a<br/>                 5. budget and they feel like they need more money to keep<br/>                 6. their employees or their -- his or her employees deserved<br/>                 7. more, they can just ask their -- their manager for more<br/>                 8. money?<br/>                 9. . . . A. They could ask, yes.<br/>                 10. . . . Q. Yeah? Okay.<br/>                 11. . . . A. Yeah.<br/>                 12. . . . Q. And does that happen often?<br/>                 13. . . . A. It does, actually.<br/>                 14. . . . Q. Okay. Where -- okay. And what are the --<br/>                 15. what are the justifications for asking for more money?<br/>                 16. . . . . MS. CONNELL: Objection. Assumes facts.<br/>                 17. Calls for speculation.<br/>                 18. . . . A. Goodness. The -- some justifications that<br/>                 19. I could think of that have been used, maybe somebody got<br/>                 20. a -- they're -- maybe they have a couple of people who<br/>                 21. are -- who have really been knocking it out of the park,<br/>                 22. and they're not quite to midpoint, and they need a little<br/>                 23. bit more so that they can take care of both of those<br/>                 24. people and not -- we use the phrase, you know, rob Peter<br/>                 25. to pay Paul.</p> |                  |

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| <p><b>256</b></p> <p>1. . . . Q. (By Mr. Song) Yeah.<br/>2. . . . A. They don't -- they don't want to give a<br/>3. bunch of people zero so they can cover, like, two<br/>4. critical cases.<br/>5. . . . Q. Uh-huh.<br/>6. . . . A. So that would be a situation where they<br/>7. would go up their chain to say: I really need an extra<br/>8. \$10,000 so I can boost these guys a little bit more<br/>9. because of, you know, either their performance or their<br/>10. position and range or maybe they're at a risk for<br/>10. leaving.<br/>12. . . . Q. Uh-huh.</p>   |                  |
| <p><b>256:13-17</b></p> <p>13. . . . A. We also, in product development, see<br/>14. situations where there were off-cycle promotions that<br/>15. didn't include a raise and so they gave the promotion to<br/>16. them saying, "I will hit you with a raise on the next<br/>17. focal cycle."</p>   |                  |
| <p><b>256:18-257:6</b></p> <p>18. . . . Q. Uh-huh.<br/>19. . . . A. And then the raise needed for that would<br/>20. be a little bit more than what a typical focal would be<br/>21. because you have to account for, also, their increase in<br/>22. responsibility.<br/>23. . . . . So if a manager has someone that they need<br/>24. to address because they gave them a dry promotion during<br/>25. the year, they might say, "I need another five grand</p> <p><b>257</b></p> <p>1. because this 3 percent isn't sufficient because I<br/>2. promoted them, too."<br/>3. . . . Q. Okay. And do you know how often those<br/>4. requests for extra money are approved?<br/>5. . . . A. It is very rare to see them rejected,<br/>6. actually.</p> |                  |
| <p><b>257:7-19</b></p> <p>7. . . . Q. Oh, okay. And do the budgets for transfer<br/>8. employees -- so we were just talking specifically about<br/>9. the focal review budget.</p>  |                  |

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| <p>10. . . . . Would the -- would the budget for -- is<br/> 11. ·there a separate budget for transfers?<br/> 12. . . . A. The -- the transfer employees, throughout<br/> 13. ·the year, would just have to fall within that<br/> 14. ·manager's -- kind of like new hires.<br/> 15. . . . Q. Okay.<br/> 16. . . . A. I mean, they have to operate within their<br/> 17. ·own -- within their own budget for --<br/> 18. . . . Q. Okay.<br/> 19. . . . A. -- their cost center budget.</p>  |                  |
| <p><b>257:20-261:5</b></p> <p>20. . . . Q. Okay. So aside from focal review budgets,<br/> 21. ·are there other salary budgets?<br/> 22. . . . A. I mean, each --<br/> 23. . . . Q. Or is that the main one?<br/> 24. . . . A. That's the main -- I mean, that's the only<br/> 25. ·one that I get involved in –</p> <p><b>258</b></p> <p>1. . . . Q. Okay.<br/> 2. . . . A. -- or that compensation gets involved in.<br/> 3. . . . Q. Uh-huh.<br/> 4. . . . A. You know, I know, like at our executives<br/> 5. ·level, they've got a certain budget in mind for -- you<br/> 6. ·know, for fiscal '20, you can spend 4 percent globally or<br/> 7. ·whatever. So they have -- they're assigned budgets and<br/> 8. ·working through the beginning of each fiscal year, what<br/> 9. ·their -- what their budget metrics are going to look<br/> 10. ·like. They have in mind what their budget is, but a --<br/> 11. . . . Q. Okay.<br/> 12. . . . A. -- a broad Oracle --<br/> 13. . . . Q. And is there a separate budget for new<br/> 14. ·hires?<br/> 15. . . . A. No. That goes --<br/> 16. . . . Q. No?<br/> 17. . . . A. -- to what I was saying before.<br/> 18. . . . Q. Okay.<br/> 19. . . . A. It all has to fall within their --<br/> 20. . . . Q. And then what about mergers and<br/> 21. ·acquisitions?<br/> 22. . . . A. Mergers and acquisitions are treated<br/> 23. ·completely separately.</p> |                  |

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| 24. . . . Q. Okay.<br>25. . . . A. And -- because we never know when they're   |                  |
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| 1. . going to come or if they're going to come or how many at<br>2. . a time, and each of those is evaluated on -- it's very<br>3. . specific to that situation. |                  |
| 4. . . . Q. Okay. Is there a specific budget for<br>5. . that, for mergers and acquisitions?   |                  |
| 6. . . . A. That's case-by-case basis.   |                  |
| 7. . . . Q. Okay. So typically, there's not a set<br>8. . budget for salaries for acquired employees?  |                  |
| 9. . . . A. It's totally case -- we don't have a --  |                  |
| 10. . sometimes we'll say -- you're saying increases for those<br>11. . people?  |                  |
| 12. . . . Q. Or just --  |                  |
| 13. . . . A. Or what are you --  |                  |
| 14. . . . Q. -- to take them on? Like --   |                  |
| 15. . . . A. To take them on?  |                  |
| 16. . . . Q. Yeah, like if you're going to have, like,   |                  |
| 17. . 50 new employees join, is there a budget set aside in  |                  |
| 18. . case or when you guys do -- because I --   |                  |
| 19. . . . A. No.   |                  |
| 20. . . . Q. -- I hear you have them pretty often?   |                  |
| 21. . . . A. Yeah. We do have them often and   |                  |
| 22. . there's --   |                  |
| 23. . . . Q. Yeah.   |                  |
| 24. . . . A. -- no way to plan for it.   |                  |
| 25. . . . Q. Okay.   |                  |
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| 1. . . . A. So no --   |                  |
| 2. . . . Q. So it's not --   |                  |
| 3. . . . A. -- ahead of time --  |                  |
| 4. . . . Q. -- planned for? Okay.  |                  |
| 5. . . . A. -- there is not a --   |                  |
| 6. . . . Q. All right.   |                  |
| 7. . . . A. Yeah.  |                  |
| 8. . . . Q. That's what I was just trying to figure  |                  |
| 9. . out.  |                  |
| 10. . . . . And then you mentioned that some managers  |                  |
| 11. . hold many in reserve, knowing that they're going to get  |                  |
| 12. . requests for money?  |                  |

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| <p>13. . . . A. Uh-huh.</p> <p>14. . . . Q. Now, is that -- is that coming from the</p> <p>15. top of Oracle, that they're telling managers or</p> <p>16. executives to hold money in reserve? Or is that</p> <p>17. something that managers just do on their own?</p> <p>18. . . . A. Managers just do that on their own.</p> <p>19. . . . Q. Like some if they want to --</p> <p>20. . . . A. Uh-huh.</p> <p>21. . . . Q. -- or they think they're going to come to</p> <p>22. that need?</p> <p>23. . . . A. Yeah.</p> <p>24. . . . Q. Is there any kind of a reserve budget for</p> <p>25. salaries?</p> <p><b>261</b></p> <p>1. . . . A. What do you mean by that?</p> <p>2. . . . Q. Like -- so the main kind of salary budget</p> <p>3. or for increases, sounds like it's for the focal review;</p> <p>4. is that right?</p> <p>5. . . . A. Uh-huh.</p> |                  |
| <p><b>261:6-19</b></p> <p>6. . . . Q. So what about -- so we also talked about</p> <p>7. off-cycle raises. Where does that money come from?</p> <p>8. . . . A. Also from the manager's own budget.</p> <p>9. . . . Q. Okay.</p> <p>10. . . . A. So it has to fit within their budget for</p> <p>11. that --</p> <p>12. . . . Q. Existing budget?</p> <p>13. . . . A. -- quarter or their year or whatever.</p> <p>14. . . . Q. Okay.</p> <p>15. . . . A. It's -- it's my understanding that they</p> <p>16. work with their finance person to sort of accrue for, you</p> <p>17. know, a few percent. Some might accrue for 1 percent</p> <p>18. during the year or whatever, but that's very -- very</p> <p>19. leader-specific.</p>   |                  |
| <p><b>262:24-263:21</b></p> <p>24. . . . . Okay. We haven't talked about bonuses, so</p> <p>25. I wanted to talk a little bit about how bonuses are given</p> <p><b>263</b></p> <p>1. at Oracle.</p>  |                  |

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| <p>2. . . . A. Okay.</p> <p>3. . . . Q. Is that -- I guess my first question, is</p> <p>4. that part of the focal process as well? Because we saw</p> <p>5. it in one of the forms.</p> <p>6. . . . A. Yeah. The bonus is -- so for most</p> <p>7. employees in product development for the -- and for -- in</p> <p>8. IT and support, it's for the employees who are not</p> <p>9. eligible for overtime. There is what's called -- what we</p> <p>10. call the corporate bonus program, and that is another one</p> <p>11. that is funded based on fiscal year results.</p> <p>12. . . . . And since the 2013, this time period</p> <p>13. started, we've had incredibly lean corporate bonus</p> <p>14. budgets.</p> <p>15. . . . Q. Okay.</p> <p>16. . . . A. We don't know for -- 2019 just finished</p> <p>17. May 31 of 2019, we don't know yet if there's going to be</p> <p>18. a bonus for that.</p> <p>19. . . . Q. Okay.</p> <p>20. . . . A. There wasn't one for FY '18. There was a</p> <p>21. tiny one for FY '17.</p>                                  |                  |
| <p><b>263:22-264:19</b></p> <p>22. . . . Q. And does performance or product, any of</p> <p>23. those things, factor into bonuses?</p> <p>24. . . . . MS. CONNELL: Objection. Incomplete</p> <p>25. hypothetical.</p> <p><b>264</b></p> <p>1. . . . A. Our -- our guidelines and our guidance</p> <p>2. really is that the corporate bonus should be the way</p> <p>3. to -- to reward people for a really great year, for a</p> <p>4. great performance, whether it's a critical project they</p> <p>5. completed or just if they were outstanding overall.</p> <p>6. Generally, that's where the bonus gets filtered to, is</p> <p>7. the high-performing individuals.</p> <p>8. . . . Q. (By Mr. Song) Okay. So it's primarily</p> <p>9. based on performance?</p> <p>10. . . . A. That's what our -- I mean, I can't speak</p> <p>11. for every manager and every decision that's made.</p> <p>12. . . . Q. Uh-huh.</p> <p>13. . . . A. But that's really where our -- where the</p> <p>14. compensation got -- what the --</p> <p>15. . . . Q. The guidelines?</p> |                  |

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| 16. . . . A. -- compensation philosophy and guidelines<br>17. . would say that the bonus recognizes --<br>18. . . . Q. Performance?<br>19. . . . A. -- performance.   |                  |
| <b>264:20-266:19</b><br><br>20. . . . Q. Okay. And do the -- is there -- is it<br>21. . always annual, or is it -- I mean, I know it's dependent<br>22. . on --<br>23. . . . A. If we're going to have one --<br>24. . . . Q. -- money?<br>25. . . . A. Yeah.<br><br><b>265</b><br><br>1. . . . Q. But if all things were working out well,<br>2. . it's annual, like, if you've got the budget for it?<br>3. . . . A. Yes, yeah.<br>4. . . . Q. Okay.<br>5. . . . A. It would be to recognize performance each<br>6. . fiscal year. If we're going to have one --<br>7. . . . Q. Okay.<br>8. . . . A. -- it recognizes the prior completed year.<br>9. . . . Q. Okay. And is there a specific budget<br>10. . for -- for bonuses?<br>11. . . . A. Absolutely.<br>12. . . . Q. Okay.<br>13. . . . A. Yeah.<br>14. . . . Q. And -- and is that similar to the fiscal<br>15. . review budget? How does that work?<br>16. . . . A. No. That one is: Our CEOs with finance<br>17. . accrue, throughout the year, how much they think we will<br>18. . be able to afford. And then if they decide we will be<br>19. . going forward with paying out a bonus, they tell me a<br>20. . dollar amount at the very top level.<br>21. . . . Q. Okay. And then does it cascade down, the<br>22. . way the other budget did?<br>23. . . . A. Yes. Same way.<br>24. . . . Q. Okay. But this is more at the end of the<br>25. . fiscal year, correct? |                  |
| <b>266</b><br><br>1. . . . A. Yes.<br>2. . . . Q. And then the -- the amount of the -- the  |                  |

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| <p>3· budget that’s cascaded down, how is that -- how is that<br/>           4· figured out? Like, how do they calculate that?<br/>           5· . . . . MS. CONNELL: Objection. Vague.<br/>           6· . . . A· So the very top level pool, as I said, is<br/>           7· decided with our CEO in finance.<br/>           8· . . . Q· (By Mr. Song) Uh-huh.<br/>           9· . . . A· And then that ends up becoming, we -- we<br/>           10· calculate from that number the percentage of the eligible<br/>           11· salaries that is.<br/>           12· . . . Q· Okay.<br/>           13· . . . A· So whether it comes out to be 1.2 percent<br/>           14· of all eligible salaries in the company --<br/>           15· . . . Q· Okay.<br/>           16· . . . A· -- then the next level cascading,<br/>           17· everybody would get 1.2, across the board. So then from<br/>           18· the Safra, Mark, and Larry directs, they all get 1.2.<br/>           19· And how they cascade from there is up to them.</p>  | <p>Errata: A· So the very top level pool, as I said, is decided with our CEO and finance.</p> |
| <p><b>266:20-267:20</b></p> <p>20· . . . Q· Okay. So would it also be dependent on<br/>           21· how many employees are within your line of business?<br/>           22· . . . A· That factors into the eligible salary. So<br/>           23· yes, you get the percentage of the eligible salaries. If<br/>           24· you have more employees, you probably have a higher<br/>           25· eligible salary. So your dollar amount to spend would be</p> <p><b>267</b></p> <p>1· more.<br/>           2· . . . Q· Okay. And at the -- at the manager level,<br/>           3· when they're actually making the bonus decisions, how are<br/>           4· they doing that? Is it just up to their discretion?<br/>           5· . . . . MS. CONNELL: Objection. Calls for<br/>           6· speculation.<br/>           7· . . . A· The -- the corporate bonus program is a<br/>           8· discretionary program. It's manager input.<br/>           9· . . . Q· (By Mr. Song) Okay. So the -- the manager<br/>           10· gets to decide how much to -- how much and who to give it<br/>           11· to?<br/>           12· . . . A· Yes.<br/>           13· . . . Q· Okay. And are there guidelines for the<br/>           14· manager on how to, you know, distribute bonuses?<br/>           15· . . . A· In our compensation guidelines and when<br/>           16· we've had bonuses, we do speak to being sure --</p> |   |

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| <p>17· ·refreshing managers on how they should really focus on<br/> 18· ·the people who had an outstanding year or maybe they<br/> 19· ·contributed to a really critical project that year, but<br/> 20· ·just sort of highlighting -- our guidelines highlight for</p>   |                  |
| <p><b>267:21-22</b></p> <p>21· ·them, especially in years of lean budget -- which is what<br/> 22· ·we've had for the last many years -- specifying for them,</p>   |                  |
| <p><b>267:23-268:6</b></p> <p>23· ·"Remember to focus on the people who are" -- done -- so<br/> 24· ·who contributed in that particular fiscal year to the<br/> 25· ·most important things.</p> <p><b>268</b></p> <p>1· · · · Q. Okay. And are the -- the bonuses that<br/> 2· ·managers decide to give employees reviewed? Is there,<br/> 3· ·like, a supervision of -- or check on --<br/> 4· · · · A. So that follows the same as the focal. So<br/> 5· ·it works -- it kind of works its way up within the<br/> 6· ·workforce compensation module.</p>  |                  |
| <p><b>268:7-18</b></p> <p>7· · · · Q. Okay. And are there any systems in place<br/> 8· ·to try to ensure equity or fairness in distributing the<br/> 9· ·bonuses?<br/> 10· · · · · MS. CONNELL: Objection. Vague. Assumes<br/> 11· ·facts. Beyond the scope of the PMK topics for which<br/> 12· ·she's been designated.<br/> 13· · · · A. I don't know. I mean, there's nothing<br/> 14· ·centrally mandated or done.<br/> 15· · · · Q. (By Mr. Song) Uh-huh.<br/> 16· · · · A. If different HR business partners go in<br/> 17· ·and try to do that, they -- they maybe could. But I<br/> 18· ·don't know of anything centrally done.</p> |                  |
| <p><b>268:19-25</b></p> <p>19· · · · Q. And so it's the -- the same managers that<br/> 20· ·are making the salary decisions, they're the ones that<br/> 21· ·are also making the bonus decisions?<br/> 22· · · · A. Correct.<br/> 23· · · · Q. Okay.<br/> 24· · · · A. It's the direct managers for the eligible</p>  |                  |

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| 25 · employees.  |                  |
| <b>269:1-6</b><br><br>1 · · · · Q · Okay. And has anything changed in the<br>2 · bonus program in the last year?<br>3 · · · · · MS. CONNELL: Objection --<br>4 · · · · A · We haven't had --<br>5 · · · · · MS. CONNELL: -- vague.<br>6 · · · · A · -- one.  |                  |
| <b>269:16-272:19</b><br><br>16 · · · · Q · But can you tell me about the stock<br>17 · program?<br>18 · · · · A · Yeah. It's -- we grant them -- starting<br>19 · this year, we do just restricted stock units.<br>20 · · · · · For prior to this year, we gave employees<br>21 · the choice of whether they wanted to receive their grant<br>22 · as stock options, RSUs, or a combination of the two, and<br>23 · the budget for that. I model out that budget, and it's<br>24 · based on head count and location and career level and<br>25 · function.<br><br><b>270</b><br><br>1 · · · · · And -- and then that overall high budget,<br>2 · once again, gets approved by our CEOs. And -- and then I<br>3 · break that down into what it means for each one of their<br>4 · direct reports based on their head count, in which<br>5 · countries, in which functions, and all those kinds of<br>6 · things.<br>7 · · · · · So similarly, it works its way down kind<br>8 · of one at a time.<br>9 · · · · Q · Okay. And what are RSUs?<br>10 · · · · A · Restricted stock units.<br>11 · · · · Q · Okay. What's the difference between that<br>12 · and the stock option that you mentioned?<br>13 · · · · A · So a stock option gives you the -- gives<br>14 · you the right to purchase Oracle shares in the future at<br>15 · the -- at the price at which they were granted.<br>16 · · · · · So, for example, if somebody got a grant<br>17 · on January 1 of 2019 at \$54, in -- and there's an<br>18 · expiration of ten years. They vest 25 percent a year for<br>19 · four years, and after each vesting, they could sell them<br>20 · or they could hang on -- they could exercise them or hang<br>21 · onto them. But they have ten years to do something with |                  |

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| <p>22. ·them.<br/>23. · . . . . If -- say they got 100 -- 100 stock --<br/>24. ·I'll say 1,000 stock options on January 1 of 2019 at \$54.<br/>25. ·2020, 250 of them vest, and if the price was up to 60,</p> <p><b>271</b></p> <p>1. ·they could decide to either buy those 250 at \$54 and<br/>2. ·they've already gained \$6 a share, or they could just<br/>3. ·sit on it and wait for more to vest. And they have ten<br/>4. ·years to decide what they want to do with them. Within<br/>5. ·that ten years, if the price goes up to \$100, they've<br/>6. ·just gained \$46 on all thousand shares.<br/>7. · . . . . With RSUs, restricted stock units, that<br/>8. ·also has a four-year vesting period, but when they vest,<br/>9. ·one year -- the first year out when they vest, we<br/>10. ·automatically -- there's a taxable event and we<br/>11. ·automatically distribute them right away. So it's<br/>12. ·more -- it's more like a -- it doesn't have as much of a<br/>13. ·retention capability in it because they get the value of<br/>14. ·it every year on the year.<br/>15. · . . . Q. Okay.<br/>16. · . . . A. Whereas with options, the longer --<br/>17. ·generally, the longer you hold onto the options, the more<br/>18. ·money you're going to make as long the company continues<br/>19. ·to grow and as long as the stock price grows.<br/>20. · . . . Q. Okay. And who's making those stock<br/>21. ·decisions?<br/>22. · . . . A. What decisions?<br/>23. · . . . Q. Like to -- whether to give somebody a<br/>24. ·stock option and who gets them?<br/>25. · . . . A. The managers.</p> |                  |
| <p><b>272</b></p> <p>1. · . . . Q. The -- so the same managers who are doing<br/>2. ·the salary and the bonus?<br/>3. · . . . A. So let me -- let me rephrase -- let me<br/>4. ·step back.<br/>5. · . . . . So it's the same program, it's the same<br/>6. ·workforce compensation module. Equity is held at a much<br/>7. ·higher level at Oracle. We don't -- while everyone IC-1<br/>8. ·and above is eligible to receive equity, it's only about<br/>9. ·20 percent of our global population actually get equity</p>   |                  |

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| <p>10· ·and so the budgets --<br/>11· ··· Q· Okay.<br/>12· ··· A· -- and the decisions are made much higher.<br/>13· ··· Q· Okay.<br/>14· ··· A· It doesn't go down to, like, the M-2s and<br/>15· ·the M-3s. It's generally more M-4 and above, probably,<br/>16· ·who make those decisions because it really is about the<br/>17· ·retention of our higher-level, critical,<br/>18· ·key-to-maintain -- or key-to-retain employees that end up<br/>19· ·getting equity.</p>  |                  |
| <p><b>272:20-274:19</b></p> <p>20· ··· Q· Okay. And are all employees eligible for<br/>21· ·equity?<br/>22· ··· A· Yes.<br/>23· ··· Q· Okay. So it doesn't matter if your IC<br/>24· ·or --<br/>25· ··· A· IC-1 and above.</p> <p><b>273</b></p> <p>1· ··· Q· Okay.<br/>2· ··· A· Not IC-0s. IC-1 and above, they're<br/>3· ·eligible to receive it.<br/>4· ··· Q· And do you know if IC-1s do get stock<br/>5· ·options?<br/>6· ··· A· We have some of them who do.<br/>7· ··· Q· Okay. And do you know -- have any idea<br/>8· ·what the percentage is?<br/>9· ··· A· Tiny.<br/>10· ··· Q· Tiny?<br/>11· ··· A· Tiny. Our IC-1s, I will say most of the<br/>12· ·IC-1s that we see who get it are the -- like the<br/>13· ·executive assistants of some of our top leaders.<br/>14· ··· Q· Okay.<br/>15· ··· A· Because they are pretty critical-to-retain<br/>16· ·employees, so . . .<br/>17· ··· Q· Okay.<br/>18· ··· A· And they fall into that IC-1 category.<br/>19· ··· Q· Okay. What level do employees really<br/>20· ·start to take -- take advantage of the stock options?<br/>21· ··· MS. CONNELL: Objection. Vague. Calls<br/>22· ·for speculation.<br/>23· ··· A· What do you mean at what level do they</p> |                  |

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| <p>24. ·start --</p> <p>25. ··· Q. (By Mr. Song) So -- so --</p> <p><b>274</b></p> <p>1. ··· A. -- to take advantage?</p> <p>2. ··· Q. -- you said at IC-1, it's a tiny</p> <p>3. ·percentage?</p> <p>4. ··· A. Uh-huh.</p> <p>5. ··· Q. Is it at a IC-4 where, you know, maybe 50,</p> <p>6. ·60 percent start getting --</p> <p>7. ····· MS. CONNELL: Object --</p> <p>8. ··· Q. (By Mr. Song) -- the stock options?</p> <p>9. ····· MS. CONNELL: Objection. Assumes facts --</p> <p>10. ··· Q. (By Mr. Song) Just --</p> <p>11. ····· MS. CONNELL: -- vague and ambiguous.</p> <p>12. ··· A. So it depends.</p> <p>13. ··· Q. (By Mr. Song) Okay.</p> <p>14. ··· A. It very much depends on the function and</p> <p>15. ·what the role is. In some organizations, they might --</p> <p>16. ·it's only IC-5s and -6s and then M-4s and above. In</p> <p>17. ·other organizations, they may decide they've got some</p> <p>18. ·critical retain -- critical retentions down at the IC-3</p> <p>19. ·level. It really depends. It varies drastically.</p> <p><b>275:16-276:15</b></p> <p>16. ··· Q. (By Mr. Song) Ms. Waggoner, before the</p> <p>17. ·break, did you say that Oracle had lean years from '13 to</p> <p>18. ·'19? Were those the years?</p> <p>19. ··· A. I -- off the top of my head, I don't</p> <p>20. ·remember the exact years, but we've had some lean ones of</p> <p>21. ·late, yes.</p> <p>22. ··· Q. Okay.</p> <p>23. ··· A. Yes.</p> <p>24. ··· Q. And do you --</p> <p>25. ··· A. When it comes to bonus, when it comes to</p> <p><b>276</b></p> <p>1. ·bonus.</p> <p>2. ··· Q. Oh, okay. What about in terms --</p> <p>3. ··· A. And --</p> <p>4. ··· Q. -- of just general -- generally -- so what</p> <p>5. ·about just generally?</p> <p>6. ····· MS. CONNELL: Objection. Vague and beyond</p> |                  |

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| <p>7· the scope of the topics for which she’s been designated<br/> 8· to testify.<br/> 9· . . . A· So if we’re talking about focal and<br/> 10· equity -- or focal and bonus budgets, focal budgets have<br/> 11· been fairly lean, too. We’ve had a good last few years<br/> 12· of at least having something.<br/> 13· . . . Q· (By Mr. Song) Uh-huh.<br/> 14· . . . A· The bonus budgets have been very rare and<br/> 15· very small when we’ve had them.</p>  |                  |
| <p><b>279:24-280:22</b></p> <p>24· . . . Q· All right. And are there situations where<br/> 25· a new hire could -- could be assigned or placed in a</p> <p><b>280</b></p> <p>1· different job code or job title than they initially<br/> 2· applied for?<br/> 3· . . . MS. CONNELL: Objection. Incomplete<br/> 4· hypothetical. Calls for speculation.<br/> 5· . . . A· So in the posting process, in the<br/> 6· requisition posting process, the manager selects the job<br/> 7· code that most closely represents the role that they have<br/> 8· to fill and the level at which they would like to fill<br/> 9· it. Depending on the candidate they choose, they are<br/> 10· free to go one level up or one level down, depending on<br/> 11· what that candidate brings to the table.<br/> 12· . . . If they bring someone in a little bit more<br/> 13· senior than what they originally posted for and they’re<br/> 14· going to give them a little bit more complexity in their<br/> 15· responsibility, they could go one career level up in<br/> 16· that, but that’s the only time that the job code would<br/> 17· change when they come on board.<br/> 18· . . . Q· (By Mr. Song) Okay. When you say “one<br/> 19· level up or one level down,” you’re talking --<br/> 20· . . . A· Yes.<br/> 21· . . . Q· -- about the career level?<br/> 22· . . . A· The career level.</p> |                  |
| <p><b>280:23-281:3</b></p> <p>23· . . . Q· Okay.<br/> 24· . . . A· So like --<br/> 25· . . . Q· So like a –</p>   |                  |

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| <p><b>281</b><br/>1. . . . A. -- a software developer 3, they could<br/>2. bring them on as a 4, or a software developer 3, they<br/>3. could bring them on as a 2, depending on that candidate.</p>  |                  |
| <p><b>282:7-13</b><br/>7. . . . Q. (By Mr. Song) Well, do promotion -- well,<br/>8. I mean, let me first ask, do promotions always come with<br/>9. a raise?<br/>10. . . . A. They do not always come with a raise.<br/>11. . . . Q. Okay. And is that what's -- is that<br/>12. what's termed a "dry promotion," without a raise?<br/>13. . . . A. Correct.</p>  |                  |
| <p><b>282:14-283:15</b><br/>14. . . . Q. Okay. But promotions can lead to raises?<br/>15. . . . A. Yes.<br/>16. . . . Q. Okay. So then how are promotions decided<br/>17. at Oracle?<br/>18. . . . MS. CONNELL: Objection. Assumes facts.<br/>19. Vague.<br/>20. . . . A. So if somebody -- somebody could apply for<br/>21. a job that's been posted internally for -- for a<br/>22. promo- -- and it could -- might be a higher career level,<br/>23. whether it's an IC to a management job; maybe they're<br/>24. interested in managing a team, they could apply and<br/>25. express interest in it that way.</p> <p><b>283</b><br/>1. . . . Managers also are supposed to be having<br/>2. frequent conversations with their employees about their<br/>3. own career aspirations and career development. So an<br/>4. employee could advocate for themselves in that way and<br/>5. say, "You know, one day I'm really actually interested<br/>6. in -- in managing a team. Could we please discuss what<br/>7. my path might look like in order to get promoted in that<br/>8. way?"<br/>9. . . . Or maybe as they've worked, say, at an<br/>10. IC-3 level, maybe their job has gotten more -- more<br/>11. complex and more responsibility has been added to their</p> |                  |

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| <p>12· · plate over time. A manager could say, "You know, they've<br/> 13· · been here, they've done well, their roles and duties now<br/> 14· · meet the IC-4 level. I'm going to submit them for that<br/> 15· · promotion."</p>   |                  |
| <p><b>283:16-284:11</b></p> <p>16· · · · Q· (By Mr. Song) And then how is it<br/> 17· · determined whether it will be a wet or a dry promotion?<br/> 18· · · · A· For the most part, most of the -- most of<br/> 19· · the dry promotions happen in the product development<br/> 20· · function, specifically the product development leaders<br/> 21· · who used to report to Thomas Kurian.<br/> 22· · · · Q· Okay.<br/> 23· · · · A· They had a practice of doing -- doing<br/> 24· · their promotions at one time during the year and with the<br/> 25· · plan to address the money part at -- at focal.</p> <p><b>284</b></p> <p>1· · · · · The other -- other organizations around<br/> 2· · the company, an increase will a little more typically<br/> 3· · come with a promotion. But there could be cases where<br/> 4· · maybe the employee is already fairly compensated in the<br/> 5· · new range and maybe they would say, "We're just going to<br/> 6· · give you an equity grant to recognize this promotion<br/> 7· · instead." Or maybe just a -- a cash bonus or something<br/> 8· · to recognize it instead.<br/> 9· · · · · But it isn't -- there isn't a<br/> 10· · one-size-fits-all in that as well. It's kind of a<br/> 11· · case-by-case.</p> |                  |
| <p><b>284:12-285:4</b></p> <p>12· · · · Q· Okay. And how is the promotion process<br/> 13· · initiated?<br/> 14· · · · · MS. CONNELL: Objection. Vague.<br/> 15· · · · A· So -- actually, promotions can also happen<br/> 16· · within a focal. So in that case, the manager would put<br/> 17· · in -- enter in the new job code within the focal, and<br/> 18· · they would enter in the new job code and the -- and the<br/> 19· · reward, the compensation reward associated within a<br/> 20· · focal.<br/> 21· · · · · The -- the process to initiate a promotion<br/> 22· · for an individual employee, if -- if it is just a<br/> 23· · promotion on the same team with the same manager, the</p>  |                  |

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| <p>24. · manager would submit a Workflow that --</p> <p>25. · · · · Q. · (By Mr. Song) Okay.</p> <p><b>285</b></p> <p>1. · · · · A. · -- assigns the -- the next-level job to</p> <p>2. · that person. If it's that they're applying for a</p> <p>3. · requisition, it would go through -- they would apply and</p> <p>4. · then it would go through that -- that Workflow.</p>   |                  |
| <p><b>285:5-23</b></p> <p>5. · · · · Q. · Can an employee also initiate -- I mean,</p> <p>6. · can they request promotion?</p> <p>7. · · · · A. · They could certainly have conversations</p> <p>8. · with their managers about their desire to be promoted,</p> <p>9. · yes.</p> <p>10. · · · · Q. · Okay. And it's essentially the manager</p> <p>11. · that's making the decision on the promotion?</p> <p>12. · · · · A. · Yes. Either the -- if it's applying for a</p> <p>13. · different -- for an opening for a requisition and</p> <p>14. · applying for that, then the manager decides if they're</p> <p>15. · going to hire them into that position; or if there's</p> <p>16. · going to be a promotion to an employee, the manager would</p> <p>17. · have to decide that the -- that they want to promote</p> <p>18. · them.</p> <p>19. · · · · Q. · And the manager would also be making the</p> <p>20. · decision on a wet or dry promotion?</p> <p>21. · · · · A. · Yes. They would, yeah. And sometimes</p> <p>22. · with consultation with HR or if HR engages comp, but yes,</p> <p>23. · it's a manager decision.</p> |                  |
| <p><b>285:24-286:14</b></p> <p>24. · · · · Q. · Okay. And is there any review of the</p> <p>25. · promotion process?</p> <p><b>286</b></p> <p>1. · · · · · MS. CONNELL: Objection. Vague.</p> <p>2. · · · · A. · It's the same as the Workflow process that</p> <p>3. · come -- that is outlined in our matrix, the Exhibit 8.</p> <p>4. · If it involves money, it goes all the way -- it goes up</p> <p>5. · the chain.</p> <p>6. · · · · · If it is just a -- and then the other</p> <p>7. · reviews, it speaks in Exhibit 8, if it's a job change to</p> <p>8. · a position below an M-4, it only has to go up one level.</p>   |                  |

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| <p>9· ·But if it’s a job change to a director or senior<br/> 10· ·director, it goes up to a few levels; and then job change<br/> 11· ·to M-6 or above, it goes up to the CEO office.<br/> 12· · . . . . . So it depends. But it’s -- it’s the<br/> 13· ·Workflow process. Kind of like the offer, where it has<br/> 14· ·to go through various stages.</p>  |   |
| <p><b>286:15-287:7</b></p> <p>15· . . . Q· (By Mr. Song) All right. And then can you<br/> 16· ·tell me about the dive and save? Is dive and save a<br/> 17· ·policy at Oracle?<br/> 18· . . . A· I -- not a policy.<br/> 19· . . . Q· Okay.<br/> 20· . . . A· Dive and saves happen at Oracle.<br/> 21· . . . Q· All right.<br/> 22· . . . A· And essentially, that refers to an<br/> 23· ·employee who has an offer to leave Oracle. They have an<br/> 24· ·offer in hand for a higher compensation package than<br/> 25· ·they’re earning at Oracle, and they could go to their</p> <p><b>287</b></p> <p>1· ·manager to say, “I’m resigning. I’ve gotten an offer at<br/> 2· ·X company,” and the manager may say, “I would like to<br/> 3· ·counter.”<br/> 4· . . . . . It’s essentially a counter to an external<br/> 5· ·offer and then -- and then they could -- if the employee<br/> 6· ·would stay for our counteroffer, then they would initiate<br/> 7· ·a transaction for that counteroffer.</p> |   |
| <p><b>294:7-16</b></p> <p>7· . . . Q· Okay. And then just a budget question<br/> 8· ·regarding dive and save.<br/> 9· . . . . . Is there a specific budget for dive and<br/> 10· ·save?<br/> 11· . . . A· No.<br/> 12· . . . Q· No? So where would this money come from,<br/> 13· ·which budget --<br/> 14· . . . A· That would have to come from their own<br/> 15· ·budget -- from the own manager’s budget for that fiscal<br/> 16· ·year.</p>   |   |
| <p><b>295:14-296:16</b></p> <p>14· ·Can you tell me about the approval process<br/> 15· ·for dive-and-save requests?</p>  | <p>Oracle objects that OFCCP has designated testimony that lacks foundation. (296:9-16)</p> |

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| <p>16. . . . . MS. CONNELL: Objection. Assumes facts.<br/> 17. .Calls for speculation. Lacks foundation.<br/> 18. . . . A. So the formal approval process would<br/> 19. .happen through Workflows. Like I said, it goes up the<br/> 20. .chain of command.<br/> 21. . . . . What each line of business or what each<br/> 22. .leader requires as far as their own approval process, I<br/> 23. .can't speak to the individual. Like this whole email<br/> 24. .chain and who needs to approve what, I -- it probably<br/> 25. .isn't consistent throughout the entire company, but once</p> <p><b>296</b></p> <p>1. .a -- once a manager enters it into Workflow, it has to go<br/> 2. .through the approval matrix.<br/> 3. . . . Q. (By Mr. Song) Okay. Similar to salary<br/> 4. .increases or raises?<br/> 5. . . . A. Off-cycle, yes, or new hires or . . .<br/> 6. . . . Q. Okay. And do you know if justifications<br/> 7. .are required for dive and save?<br/> 8. . . . . MS. CONNELL: Objection. Vague.<br/> 9. . . . Q. (By Mr. Song) It's at the bottom of that<br/> 10. .email, the first page, talks about the details and<br/> 11. .justification.<br/> 12. . . . A. I would think so. I don't think -- I<br/> 13. .mean, in this case, Thomas isn't going to approve if they<br/> 14. .just send something saying, "I need to give a 22 percent<br/> 15. .raise to this person." He's going to want to know why,<br/> 16. .so yeah, I would think so.</p> |  |
| <p><b>296:17-298:15</b></p> <p>17. . . . Q. Okay. And then the third sentence of the<br/> 18. .email at the bottom: "The completed dive and save<br/> 19. .template is attached."<br/> 20. . . . . Do you know what template they're talking<br/> 21. .about?<br/> 22. . . . A. I am going to guess that it's --<br/> 23. . . . . MS. CONNELL: Don't -- don't guess.<br/> 24. . . . . THE WITNESS: All right.<br/> 25. . . . A. Well, it's what follows.</p> <p><b>297</b></p> <p>1. . . . . MS. CONNELL: Yeah.<br/> 2. . . . A. The document --</p>   | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |

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| <p>3. . . . . MS. CONNELL: It --<br/> 4. . . . . A. -- speaks for itself.<br/> 5. . . . . MS. CONNELL: -- speaks for itself. Yeah.<br/> 6. . . . . A. It's -- it's right there.<br/> 7. . . . . Q. (By Mr. Song) Okay. But -- so that's just<br/> 8. an email -- so but the template would not be Exhibit 88?<br/> 9. . . . . MS. CONNELL: Objection. Calls for<br/> 10. speculation and the documents speak for themselves.<br/> 11. . . . . A. I don't think so. When they say it's<br/> 12. attached, I would think that's what this is (indicating).<br/> 13. . . . . Q. (By Mr. Song) Okay. If you turn to the<br/> 14. next page, at the very top, in bold, it says, "If<br/> 15. approved, Steve will have 39 left in his dive and save<br/> 16. budget."<br/> 17. . . . . So --<br/> 18. . . . . A. Yes, I see that.<br/> 19. . . . . Q. -- do you know what that means?<br/> 20. . . . . A. I don't know exactly what that means, but<br/> 21. given it's the number 39, I would say they were given, by<br/> 22. Thomas, X number of opportunities in a fiscal year to<br/> 23. dive and save and --<br/> 24. . . . . Q. Uh-huh.<br/> 25. . . . . A. -- he can do it 39 more times in the year.</p> <p><b>298</b></p> <p>1. . . . . Q. Okay. You don't think that's referring to<br/> 2. money, like --<br/> 3. . . . . A. No.<br/> 4. . . . . Q. Okay.<br/> 5. . . . . A. Absolutely not.<br/> 6. . . . . Q. Okay. And so the dive-and-save budget is<br/> 7. not referring to money, but the number of employees they<br/> 8. can do dive and save on?<br/> 9. . . . . MS. CONNELL: Objection. The document<br/> 10. speaks for itself. Calls --<br/> 11. . . . . A. That's what it looks like.<br/> 12. . . . . Q. (By Mr. Song) So for this dive-and-save<br/> 13. request, it looks like Thomas Kurian was the final<br/> 14. approver; is that correct?<br/> 15. . . . . A. It appears that way.</p> |                  |
| <p><b>300:5-17</b></p> <p>5. . . . . A. If we go back to the Exhibit 8 again.</p>  |                  |

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| <p>6. . . . Q. (By Mr. Song) Okay.<br/>           7. . . . A. Because it involves money.<br/>           8. . . . Q. Uh-huh.<br/>           9. . . . A. It says, base salary change increase goes<br/>           10. up to that CEO office of approvals --<br/>           11. . . . Q. Okay. So it would just --<br/>           12. . . . A. -- so --<br/>           13. . . . Q. -- even -- the dive and save would just<br/>           14. follow this --<br/>           15. . . . A. Yes, absolutely.<br/>           16. . . . Q. -- same approval process?<br/>           17. . . . A. Same Workflow process.</p>   |  |
| <p><b>300:18-302:16</b></p> <p>18. . . . Q. All right. And then regarding both these<br/>           19. people in, let's see, 88 and 89, so it would be Lauren<br/>           20. Cohn and Andrew Ioannou -- I'm not sure if I'm<br/>           21. pronouncing that correctly -- do you know why these<br/>           22. people weren't addressed during the focal review, why<br/>           23. their salaries weren't addressed during the focal review?<br/>           24. . . . A. I don't know that we can say that they<br/>           25. weren't. I—</p> <p><b>301</b></p> <p>1. . . . Q. Okay.<br/>           2. . . . A. I mean, it doesn't -- I don't know that<br/>           3. you can draw that conclusion, unless it says specifically<br/>           4. in here that it wasn't.<br/>           5. . . . Q. Well, the -- you know, like, for example,<br/>           6. if we turn to page [sic] 88, you know, the -- under<br/>           7. "Proposal," it says: Lauren Cohn's salary is astonishing<br/>           8. low. At \$76,345, her salary falls far below the grade --<br/>           9. job grade range of 85,000 to 154,592.03. Her direct<br/>           10. reports in the U.S. are earning 45 percent to 65 percent<br/>           11. more than she is.<br/>           12. . . . . So it seems like it would be difficult to<br/>           13. say that her salary was addressed during focal review if<br/>           14. she's that -- that underpaid.<br/>           15. So is there -- so do you know why her<br/>           16. situation wasn't addressed during focal review?<br/>           17. . . . . MS. CONNELL: Objection. Assumes facts.<br/>           18. Argumentative. Beyond the scope of the PMK topics for<br/>           19. which she's been designated. Calls for speculation.</p> | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |

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| <p>20. . . . A. I don't know individual circumstances, but<br/>                 21. as I mentioned before, I don't think we can draw the<br/>                 22. conclusion that she got nothing at focal.<br/>                 23. . . . Q. (By Mr. Song) Okay. Well -- all right.<br/>                 24. So maybe she got something at focal, but -- or, okay, let<br/>                 25. me rephrase that question.</p> <p><b>302</b></p> <p>1. . . . . Then why wasn't she given a -- whether she<br/>                 2. was or wasn't given a raise at focal, why wasn't she<br/>                 3. given a larger raise during focal?<br/>                 4. . . . . MS. CONNELL: Same objections. Calls for<br/>                 5. speculation. Beyond the scope of the PMK testimony --<br/>                 6. PMK topics for which she's been designated. Assumes<br/>                 7. facts.<br/>                 8. . . . A. I can't speak to the specific scenario.<br/>                 9. . . . Q. (By Mr. Song) Okay. Are there any<br/>                 10. processes in place during focal review to catch<br/>                 11. situations like this?<br/>                 12. . . . . MS. CONNELL: Objection. Assumes facts.<br/>                 13. Vague and ambiguous. Lacks foundation.<br/>                 14. . . . A. I wouldn't say "processes in place."<br/>                 15. They -- during a focal, it could be -- it could come to<br/>                 16. the larger attention of a manager.</p> |  |
| <p><b>306:25-308:7</b></p> <p>25. . . . . If we turn to page -- I mean, to</p> <p><b>307</b></p> <p>1. Exhibit 89, so we have this Mr. Andrew Ioannou. So I<br/>                 2. have the -- I have the same question for him.<br/>                 3. . . . . Do you know why his salary situation<br/>                 4. wasn't addressed during focal review?<br/>                 5. . . . . MS. CONNELL: Objection. Assumes facts.<br/>                 6. Beyond the scope of the topics for which she's been<br/>                 7. designated to testify. Lacks foundation. And calls for<br/>                 8. speculation.<br/>                 9. . . . A. Similar situation. I think if you look at<br/>                 10. the form, the second page, it says, "Last Salary Increase<br/>                 11. Percentage" was 7 percent.<br/>                 12. . . . Q. (By Mr. Song) Uh-huh.<br/>                 13. . . . A. I can tell you, 7 percent for a focal is<br/>                 14. huge --</p>   | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |

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| <p>15. . . . Q. Okay.</p> <p>16. . . . A. -- at Oracle.</p> <p>17. . . . Q. Okay.</p> <p>18. . . . A. So it appears to me that they did try --</p> <p>19. you know, I don't know the date. They didn't give the</p> <p>20. date of this, but it appears to me that he had to have</p> <p>21. been getting large increases.</p> <p>22. . . . Q. All right. So if that's huge for a focal,</p> <p>23. what's the average percentage increase for a focal?</p> <p>24. . . . MS. CONNELL: Objection. Assumes facts.</p> <p>25. . . . A. I don't -- I don't know the average. I</p> <p><b>308</b></p> <p>1. just know, you know, of the -- when we have had focals in</p> <p>2. the U.S. in the last decade --</p> <p>3. . . . Q. (By Mr. Song) Uh-huh.</p> <p>4. . . . A. -- a 2.8 to 3 percent -- or 2.5 to</p> <p>5. 3 percent budget is really all we've been getting.</p> <p>6. . . . Q. Okay.</p> <p>7. . . . A. So 7 percent is major.</p> |  |
| <p><b>308:8-24</b></p> <p>8. . . . Q. Okay. So if some -- if the 2.5 -- or the</p> <p>9. budget was 2.5 to 3 percent, would most employees be</p> <p>10. getting 2.5 to 3 percent?</p> <p>11. . . . MS. CONNELL: Objection. Misstates her</p> <p>12. testimony. Assumes facts.</p> <p>13. . . . And I want to designate this section as</p> <p>14. confidential.</p> <p>15. . . . A. No, because I stated that not everybody</p> <p>16. gets a focal.</p> <p>17. . . . Q. (By Mr. Song) Okay.</p> <p>18. . . . A. I believe I said it was in the --</p> <p>19. . . . Q. Yes.</p> <p>20. . . . A. -- 60 -- 40 to 60 or --</p> <p>21. . . . Q. That's correct.</p> <p>22. . . . A. -- I forget what my range was. 40 to 80</p> <p>23. over the course of how many years. So if somebody gets</p> <p>24. 7, obviously that means a couple people get nothing.</p>   | <p>Oracle objects that OFCCP has designated testimony that lacks foundation.</p> |
| <p><b>309:18-25</b></p> <p>18. . . . Q. So if there -- so when you say "lateral,"</p> <p>19. do you mean -- do you mean transfer, is that the same</p>   |  |

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| <p>20· ·thing as transfer --<br/>                 21· · · · · MS. CONNELL: Objection --<br/>                 22· · · · Q· (By Mr. Song) -- to Oracle?<br/>                 23· · · · · MS. CONNELL: -- vague.<br/>                 24· · · · A· So a -- a lateral transfer just means same<br/>                 25· ·career level, same pay.</p>  |                  |
| <p><b>310:2-24</b></p> <p>2· · · · · So lateral transfer, but when -- when --<br/>                 3· ·I've seen those terms used -- and actually, I think<br/>                 4· ·you've used lateral and transfer today, too. Do you mean<br/>                 5· ·the same thing, lateral -- does that lateral mean<br/>                 6· ·transfer, or is that -- or are they different terms or<br/>                 7· ·different definitions?<br/>                 8· · · · · MS. CONNELL: Objection. Vague.<br/>                 9· · · · A· I mean, in general, when we discuss a<br/>                 10· ·lateral, it would be a transfer to a different team or a<br/>                 11· ·different manager, probably.<br/>                 12· · · · Q· (By Mr. Song) All right.<br/>                 13· · · · A· Yeah. I mean, I think so.<br/>                 14· · · · Q· Okay. And when you mean lateral or<br/>                 15· ·transfer, you're talking within Oracle, correct?<br/>                 16· · · · A· Correct.<br/>                 17· · · · Q· Okay. And if somebody transfers, does<br/>                 18· ·that always include a pay raise?<br/>                 19· · · · · MS. CONNELL: Objection. Assumes facts.<br/>                 20· ·Lacks foundation.<br/>                 21· · · · Q· (By Mr. Song) Or does it never include a<br/>                 22· ·pay raise?<br/>                 23· · · · A· So this is -- when I say "lateral," if I<br/>                 24· ·say "lateral," that means same level, same pay.</p> |                  |
| <p><b>310:25-311:1</b></p> <p>25· · · · Q· Okay.</p> <p><b>311</b></p> <p>1· · · · A· So lateral means there is no pay raise.</p>   |                  |
| <p><b>311:15-312:4</b></p> <p>15· · · · Q· (By Mr. Song) Okay. What would the<br/>                 16· ·process be for a transfer to get a pay raise?<br/>                 17· · · · A· The same as any other Workflow, where the<br/>                 18· ·receiving manager would submit a Workflow for that person<br/>                 19· ·and put in the change in pay into that Workflow, and then<br/>                 20· ·it would go up the approval change -- chain.</p>  |                  |

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| <p>21. . . . Q. Okay. And who decides -- and review would<br/>                 22. · be similar to the --<br/>                 23. . . . A. Correct.<br/>                 24. . . . Q. -- Workflow that we've previously<br/>                 25. · discussed?</p> <p><b>312</b></p> <p>1. . . . . And the factors considered would be the<br/>                 2. · same?<br/>                 3. . . . . MS. CONNELL: Objection. Incomplete<br/>                 4. · hypothetical.</p>  |  |
| <p><b>312:5-20.</b></p> <p>5. . . . A. So the factors to give a raise, they --<br/>                 6. · position and range, whether there's an increase -- if<br/>                 7. · there's a -- in a transfer, maybe it is somebody who<br/>                 8. · is -- who is applying for a higher-level position and<br/>                 9. · they've been selected for a higher-level position.<br/>                 10. . . . . If it is essentially the same level of<br/>                 11. · job, performing overall similar duties and<br/>                 12. · responsibilities that they were previously performing,<br/>                 13. · that's mostly when we really say that -- that it should<br/>                 14. · be lateral and a pay raise would not be warranted. And<br/>                 15. · the reason for that is because we don't want a toxic<br/>                 16. · environment of infighting and --<br/>                 17. . . . Q. (By Mr. Song) Poaching?<br/>                 18. . . . A. -- poaching and people trying to lure<br/>                 19. · people from one job to another by just giving them more<br/>                 20. · money.</p> | <p>Errata: A. So the factors to give a raise, they -- position in range, whether there's an increase -- if there's a -- in a transfer, maybe it is somebody who is -- who is applying for a higher-level position and they've been selected for a higher-level position.</p> |
| <p><b>312:21-313:4</b></p> <p>21. . . . Q. All right. What if some -- what if a<br/>                 22. · manager wanted to give a transfer a pay raise, how would<br/>                 23. · that work?<br/>                 24. . . . A. So it would be part of the Workflow.<br/>                 25. . . . Q. Uh-huh.</p> <p><b>313</b></p> <p>1. . . . A. And they would write in their<br/>                 2. · justification -- in the justification portion why they<br/>                 3. · believe that a pay raise is warranted in that particular<br/>                 4. · situation.</p>   |  |

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| <p><b>327:20-23</b></p> <p>20· . . . . So you mentioned that there were lean<br/>21· · years. You weren't sure exactly how far it went back,<br/>22· · but the last couple of years, there have been some lean<br/>23· · years.</p>   |                  |
| <p><b>327:24-328:16</b></p> <p>24· . . . . Has Oracle been able to -- to keep pace<br/>25· · with market rates in those lean years?</p> <p><b>328</b></p> <p>1· . . . . MS. CONNELL: Objection. Vague and<br/>2· · ambiguous. Beyond the scope of the PMK topics.<br/>3· . . . A· I guess what -- what -- I'm not sure where<br/>4· · you're getting -- what do you mean by that?<br/>5· . . . Q· (By Mr. Song) So because Oracle was<br/>6· · experiencing some lean years, were they able to continue,<br/>7· · you know, paying its employees at market rates? Or did<br/>8· · they have to go below market rates because of the lean<br/>9· · years?<br/>10· . . . . MS. CONNELL: Same objections.<br/>11· . . . A· Well, what I mean by "lean years" is<br/>12· · little to no focal budget.<br/>13· . . . Q· (By Mr. Song) Uh-huh.<br/>14· . . . A· So if you give -- if we give little to no<br/>15· · focal budget, naturally we're not keeping up with the way<br/>16· · the market has grown.</p> |                  |



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**9:19-21**

19· BY MR. SHWARTS:  
20· . . . Q· Good morning, Ms. Atkins.  
21· . . . A· Good morning.

**11:23-13:7**

23· . . . Q· What is your current position?  
24· . . . A· Director of Planning and Support.  
25· . . . Q· Is that at OFCCP?

**12**

1· . . . A· Yes.  
2· . . . Q· When did you take that position?  
3· A· Probably two years ago. Two and a half  
4· years ago.  
5· Q· So sometime in 2017? Was it before the  
6· Trump administration took over, as a -- as a  
7· guiding date?  
8· A· It was probably around that time.  
9· Q· Okay. Let me work backwards a little bit.  
10· . . . A· Okay.  
11· Q· When did you first start work at OFCCP?  
12· . . . A· 2010. October 2010.  
13· Q· Okay. What was your -- what was your  
14· first position at OFCCP?  
15· A· District Director of the San Jose Dist.  
16· Office.  
17· Q· How long did you hold that position?  
18· . . . A· A year and a half, I believe.  
19· Q· Okay. What was your next position?  
20· A· District Director of the San Francisco  
21· District Office.  
22· . . . Q· Can you give me an approximate date of  
23· when you started that position?  
24· . . . A· Maybe around April of 2012.  
25· . . . Q· And how long did you hold the position of

**13**

1· District Director for the San Francisco District?  
2· A· Perhaps three years.  
3· Q· So that would be from sometime in 2012  
4· till sometime in 2015?  
5· A· Probably. It's -- I've had multiple

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6· positions, so yeah. I would think three years,  
7· maybe.

**14:12-16:14**

12· Q· Okay? So the District Director for the  
13· S. F. District, which I believe you said  
14· you ascended to in 2012 and had for a couple of  
15· years?

16· . . . A· Yes.

17· Q· Okay. And that was the position that you  
18· were in at the time that the audit that led to this  
19· litigation commenced?

20· . . A· I believe I was still in that role when it  
21· started, yes.

22· . . . Q· And I know -- along the path you've  
23· changed, and we'll get to that.

24· . . If you can describe for me what your  
25· duties and responsibilities were during the time

**15**

1· that you served as the District Director for the  
2· San Francisco District.  
3· . . . A· So I was managing the enforcement  
4· activities of that office and the compliance  
5· officers in their investigations. Also in –  
6· managing the administrative needs of the office.  
7· So everything from investigating to assigning work  
8· to reviewing work to making sure that the office is  
9· supplied and hiring and, you know, leave issues and  
10· personnel issues for the office.

11· . . Q· What position did you report up to during  
12· that time when you were a District Director for the  
13· San Francisco office?

14· . . A· It would have been to the Deputy Regional  
15· Director at the time.

16· . . . Q· Okay. Was -- during the time that you  
17· held that job, meaning District Director for  
18· San Francisco, did one person hold the Deputy  
19· Director job -- Deputy Regional Director job, or is  
20· there more than one person?

21· . . . A· Oh. There may have been a transition  
22· during that time period.

23· . . . Q· Which individuals do you recall holding  
24· the Deputy Regional Director position while you

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25. were the Deputy Director -- sorry, while you were

**16**

1. the District Director for San Francisco?

2. . . . A. I believe maybe Alice Young was still

3. there at the time, but I'm not -- I'm not

4. completely sure.

5. . . . Q. And who else?

6. . . . A. And then Jane Suhr was acting before she

7. became the official deputy.

8. . . . Q. And who was the Regional Director during

9. the time that you were the District Director?

10. . . . A. So Bill Smitherman was the Regional

11. Director -- was he still there? I can't remember

12. if he was still there when I was in the

13. San Francisco District Office. And then -- and

14. then it would have been Janette Wipper.

**19:16-23**

16. . . . Q. Well, let me ask you on the type of case

17. the Oracle case was.

18. . . . . You went on site in 2015 for the

19. initial -- actually, there were a couple different

20. visits to the Oracle headquarters. Correct?

21. . . . A. So I definitely went on site for one week

22. for the headquarters case. I actually don't recall

23. if I went again.

**20:7-23**

7. . . . . But do you recall why, in this particular

8. case, that you personally went on site for the

9. Oracle audit?

10. . . . A. I was actually asked to help, to go on

11. site, so I went.

12. . . . Q. Asked by whom?

13. . . . A. Janette.

14. . . . Q. Did Janette Wipper tell you why she wanted

15. you to help on this audit?

16. . . . A. They needed people to help with the

17. investigation of the -- I mean, conducting

18. interviews while on site. That was my

19. understanding. They just -- they needed additional

20. interviewers.

21. Q. Is that what she told you, or are you just

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22. ·guessing?

23. · · · A. · I remember her saying that, too.

**23:24-24:9**

24. ·Q. · If you can put a date on it, when do you

25. ·believe you stopped being involved in the Oracle

**24**

1. ·audit and/or litigation?

2. · · · A. · So I remember attending a conciliation

3. ·meeting for this case, the Oracle case. I don't

4. ·recall what date that was. I'm thinking it may

5. ·have been several years ago.

6. · · · Q. · And in your mind that's the last time you

7. ·were involved in the Oracle audit and/or

8. ·litigation?

9. · · · A. · Yes.

**32:8-34:12**

8. · · · Q. · Right? · So the -- what is the first step

9. ·in a process that leads to an audit?

10. · · · A. · Oh, I see. · Okay.

11. · · · · · So these -- we're notified -- the office

12. ·is notified that we have certain companies to audit

13. ·because those companies have been selected for

14. ·reviews by the national office, some formulaic, you

15. ·know, selection process that they have. · And then

16. ·they're -- the names of the companies that have

17. ·come up for review are given to the office.

18. · · · Q. · All right. · Then let's take that -- and

19. ·what's the next step?

20. · · · · · So you are given the names of companies.

21. ·Now that you've got the names, what is the next

22. ·step for you and your staff?

23. · · · A. · So then we would schedule -- we send out a

24. ·scheduling letter to the company in the order that

25. ·we receive this list.

**33**

1. · · · Q. · Okay. · And again, moving forward, what

2. ·would happen next? · And just in general.

3. · · · A. · So the scheduling letter is received by

4. ·the company, and they submit their affirmative

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5· ·action plan.  
6· · · · Q· Okay· Again, moving forward, they submit  
7· ·the plan· What happens next?  
8· · · · A· And then the compliance officer will  
9· ·review the plan in the office.  
10· · · · Q· And then what happens after that review?  
11· · · · A· So if everything looks complete and  
12· ·acceptable and there are no indicators that we  
13· ·should pursue it further, it would be closed.  
14· · · · · If there are indicators that look like we  
15· ·need to pursue further, then we'd notify the  
16· ·company and let them know perhaps that we need  
17· ·additional information· Yeah, that would be the  
18· ·next step.  
19· · · · Q· And at that point, if you determine that a  
20· ·company -- that there are indicators and that you  
21· ·need additional information, you then reach out to  
22· ·the company and --  
23· · · · A· Right.  
24· · · · Q· -- and what is the first -- you know, what  
25· ·are the steps that then happen at that point?

**34**

1· · · · A· So every case is different. It will  
2· ·depend on, you know, what the additional  
3· ·information is that we need and what that  
4· ·information reveals.  
5· · · · · It may be that that would be enough, and  
6· ·then the case may be closed. It may be that the  
7· ·additional information leads to further questions,  
8· ·and we may need more information on top of that.  
9· ·We may need to go on site and actually interview  
10· ·managers and employees.  
11· · · · · It really depends on what -- what the  
12· ·information reveals.

**35:18-38:2**

18· · · · Q· What does the term "entrance conference"  
19· ·mean?  
20· · · · A· It occurs at the beginning of an on-site  
21· ·with company officials just to inform them of what  
22· ·will happen during the on-site. The company will  
23· ·give an overview of their business. Usually OFCCP

24· managers are present and the compliance officers  
25· conducting the review.

**36**

1· . . . . It's just -- it's an overview of what's  
2· going to take place.  
3· . . Q· What does the term "exit conference" mean?  
4· . . . A· So that occurs at the end of an on-site.  
5· It usually -- it's also with company  
6· representatives and OFCCP. Usually it's to discuss  
7· what additional information may be required, what  
8· may have been, you know, seen on -- at the on-site.  
9· . . . . The company may also be told that the case  
10· is not complete yet and that, you know, they may be  
11· contacted for additional -- you know, further --  
12· further communications may be coming as a result of  
13· the on-site. It's just a wrap-up of the on-site.  
14· . . . Q· Are these two terms, these entrance  
15· conference and exit conference, are these things  
16· that are mandated by OFCCP policies and procedures?  
17· . . . A· Mandated.  
18· . . . Q· Meaning do they appear in -- in the -- in  
19· writing somewhere that we can look to to say, well,  
20· in this circumstance you should be doing an  
21· entrance conference or an exit conference so that  
22· the contractor should know what to expect from an  
23· on-site?  
24· . . . A· So there is a guidance for contractors --  
25· I mean, for compliance officers, and it talks about

**37**

1· on-site -- entrance conference and exit  
2· conferences. I don't know if it's a mandate. When  
3· you say -- like there's -- it, you know, puts down  
4· a process and the steps that usually occur and  
5· guidelines to follow.  
6· . . . Q· I take it, though, that at a minimum, from  
7· a best practices standpoint, that if you're going  
8· do an on-site audit of a federal contractor there  
9· should be both an entrance conference and an exit  
10· conference.  
11· . . . A· As a practice? Yes, most of the time I  
12· have seen entrance conferences and wrap-up exit  
13· conferences take place.

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14. . . . Q. You used the term "indicators."  
15. . . . . What is -- as you used that the term, what  
16. does the term "indicators" mean?  
17. . . . A. So there are -- it's -- and I'm using it  
18. in the way that it's not just numerical indicators,  
19. but a sign or some signal that you need additional  
20. information in certain areas. So after the desk  
21. audit, there may be certain flags to follow up on.  
22. . . . . Also, there are internal analyses that are  
23. conducted with hiring, termination, compensation,  
24. and it may look like that -- you know, that there  
25. may be some statistical significance that may be

**38**

1. coming up that we don't have additional information  
2. or further communication.

**39:11-40:12**

11. . . . Q. Yes. During your tenure as District  
12. Director, did there come a time when Oracle was  
13. identified to your office as a company that you  
14. should look at for purposes of compliance with the  
15. executive order?  
16. . . . A. Yes. It was identified as a company to be  
17. reviewed.  
18. . . . Q. Identified by whom?  
19. . . . A. I assume by the national office's formula  
20. for selecting contractors to be reviewed.  
21. . . . Q. I'm not asking you to assume.  
22. . . . . Do you recall how it was that Oracle  
23. became identified?  
24. . . . A. I don't.  
25. . . . Q. Do you know whether or not it was

**40**

1. identified regionally or nationally?  
2. . . . A. I believe nationally.  
3. . . . Q. When it says "nationally," and you're told  
4. to review, is it -- you're told, look at the  
5. headquarters, look at their other offices?  
6. . . . . What kind of guidance are you then given?  
7. . . . A. Oh. We are actually given the address of  
8. the facility to review.  
9. . . . Q. So it's your best recollection that

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10. National told you to review the Redwood Shores  
11. facility for Oracle?  
12. . . . A. Yes.

**40:13-23**

13. . . . Q. Did you assign the responsibility for  
14. Oracle to a particular compliance officer?  
15. . . . A. Yes.  
16. . . . Q. To which one?  
17. . . . A. I believe I assigned it to Hoan Vaca --  
18. Hoan -- what is his last name? Luong?  
19. . . . . However, I -- I'm just trying to remember,  
20. because the case did not -- it was handled by a  
21. different compliance officer before Hoan, I  
22. believe, and I believe Brian Mikel was the -- the  
23. manager involved in it.

**44:11-45:16**

11. . . . Q. Ms. Atkins, we're going to be doing this a  
12. bunch, as you can see from my notebook. So I put  
13. before you what we've marked as Exhibit 1. It is a  
14. document that bears Oracle Bates Number 417302.  
15. And when I say "Bates number," it's the automated  
16. printed numbers at the bottom right side, and we'll  
17. be seeing those both from Oracle and from the  
18. Department of Labor throughout this deposition.  
19. . . . . Have you ever seen this document before?  
20. . . . A. Yes, I am sure I have.  
21. . . . Q. Is that your signature on the second page?  
22. . . . A. Yes.  
23. . . . Q. So what is this document?  
24. . . . A. This is the scheduling letter. Yes. It's  
25. notifying the contractor that they've been selected

**45**

1. for review.  
2. . . . Q. Is this a fair way to say, this is the  
3. first document that starts this process? This is  
4. the commencement document?  
5. . . . A. Yes.  
6. . . . Q. Has some determination been made prior to  
7. sending out Exhibit 1 as to what areas OFCCP was  
8. interested in?

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9. . . . A. No.  
10. . . . Q. You just -- you just wanted -- you just  
11. wanted to see the affirmative action plans in  
12. general?  
13. . . . A. Yes.  
14. . . . Q. Okay. So at this point there had been no  
15. -- no analysis had been done?  
16. . . . A. No.

**47:9-20**

9. . . . Q. Ms. Atkins, I've placed before you what's  
10. been marked as Exhibit 2. It's an email from you  
11. to Shauna Holman-Harries at Oracle dated  
12. October 28th, 2014; bears Oracle Bates Number 596.  
13. . . . . Please take a look at it and let me know  
14. when you're ready to proceed.  
15. . . . A. (Examining document.) Okay.  
16. . . . Q. This is an email from you to Ms. Holman  
17. Harries. Correct?  
18. . . . A. Right.  
19. . . . Q. Responding to an email she sent to you?  
20. . . . A. Uh-huh, yes.

**48:9-15**

9. . . . Q. Okay. So this email reflects the fact  
10. that Oracle has now submitted, at the government's  
11. request, its affirmative action plans, and then  
12. you've advised Ms. Holman-Harries at Oracle that  
13. Mr. Luong was going to be the person in charge, or  
14. at least handling this facility?  
15. . . . A. Yes.

**48:19-51:6**

19. . . . Q. Now that this process is underway, it's my  
20. understanding that federal contractors such as  
21. Oracle have an obligation to respond to --  
22. cooperate and respond to the government's request  
23. for information such as the one you made in  
24. Exhibit 1. Correct?  
25. . . . A. Right.

**49**

1. . . . Q. And what is the government's -- from your  
2. position as a District Director, what is the

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3. ·government's obligation in terms of, you know,  
4. ·interacting with the contractor as the process  
5. ·moves forward?  
6. . . . A. The obligation of how to interact with the  
7. ·contractor?  
8. . . . Q. Yeah. Well, let me ask it a different  
9. ·way.  
10. . . . . Once this process begins and you start  
11. ·this audit, did you view the process as  
12. ·collaborative or adversarial?  
13. . . . A. Collaborative.  
14. . . . Q. So meaning you're asking for information  
15. ·from the federal contractor, and they provide it.  
16. . . . . How about when they ask you for  
17. ·information during the course of an audit? How did  
18. ·you for yourself and for your compliance officers  
19. ·view your obligation, if any, to respond to the  
20. ·contractor?  
21. . . . A. Yes. I mean, we should answer questions,  
22. ·explain, and -- yeah, answer any questions that are  
23. ·asked.  
24. . . . Q. To the extent that -- let's say as you get  
25. ·the affirmative action plan and you identify

**50**

1. ·certain indicators that require more information,  
2. ·is it fair to say that your goal at that point is  
3. ·to try to, you know, first understand if there is a  
4. ·problem, and, if there is an issue, to resolve it  
5. ·between you and the contractor? Meaning to –  
6. ·without it getting to litigation, say?  
7. . . . A. Without it getting to –  
8. . . . Q. Sure.  
9. . . . A. I mean, our aim is not litigation in  
10. ·compliance evaluation.  
11. . . . Q. So it would be important -- in order to –  
12. ·ultimately, like I said, if you find that there is  
13. ·some issue that a contractor has, that you would  
14. ·like them to resolve it short of litigation?  
15. . . . A. Yes.  
16. . . . Q. And to do that, it would be helpful to  
17. ·provide the contractor with as much information as  
18. ·is helpful to them to identify the source of the  
19. ·issue so that they can then rectify it. Correct?

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20. . . . A. Well, we want them to rectify, of course.  
21. We have to follow -- you know, first of all, we  
22. have to get the information and conduct the  
23. evaluation to make sure that there is a violation.  
24. So until we're -- you know, we have all the  
25. information to ensure that, we wouldn't ask the

**51**

1. contractor to rectify anything. So –  
2. . . . Q. I understand.  
3. . . . A. Yeah.  
4. . . . Q. But if there's nothing to rectify, there's  
5. nothing to rectify.  
6. . . . A. Right.

**51:17-21**

17. . . . Along the way, even prior to a notice of  
18. violation, would it be helpful to the contractor to  
19. understand what the indicators are that are causing  
20. the OFCCP to request additional information? Would  
21. that be useful to a contractor?

**51:22-24**

22. . . . . MR. SHULTZ: Objection. Speculation.  
23. BY MR. SHWARTS:  
24. . . . Q. You may answer.

**51:25-52:12**

25. . . . A. I mean, I could answer in a general way.

**52**

1. . . . Q. Sure.  
2. . . . A. Of course a contractor -- the more  
3. information that they understand would be useful.  
4. . . . Q. And I gather the more information they  
5. have, that could again help the collaborative  
6. process, meaning if they understand what the OFCCP  
7. is looking for, they can help provide you with  
8. additional information to help you determine  
9. whether a violation exists.  
10. . . . A. Yes. They should be able to, if they  
11. understand what we're asking for, yes, provide  
12. additional information.

**59:19-62:2**

19. . . . Q. I've placed before you what's been marked  
20. as Exhibit 5. It's an email from Brian Mikel to  
21. Shauna Holman-Harries, copied to you, dated  
22. March 3rd, 2015, bearing Oracle Bates Number 401  
23. through 404.  
24. . . . . Please take a look at it and let me know  
25. when you're ready to proceed.

**60**

1. . . . A. (Examining document.) Okay.  
2. . . . Q. If you look with me on the second page –  
3. sorry, the third page, in the middle of the page  
4. Ms. Holman-Harries writes to Mr. Mikel, copying  
5. you, and indicates and asks that, you know, "we  
6. need more information from you on who you might be  
7. interested in interviewing and what kind of  
8. documents."  
9. . . . . His response, which starts at the bottom  
10. of page 402, he says, "The issues that warrant  
11. further investigation include areas of hiring,  
12. promotion, termination and compensation."  
13. . . . . At that time, did OFCCP have more specific  
14. information that would itemize its concerns, or at  
15. this time was it concerned -- its level of concern  
16. only that general?  
17. . . . A. I don't know. I mean -- yeah. I don't  
18. know the -- I don't -- I don't remember. And I  
19. don't think I even knew the details of what -- you  
20. know, what -- what particularly would -- you know,  
21. was of issue with promotion, termination, and  
22. compensation.  
23. . . . Q. At this -- I mean, as of this date, you  
24. didn't know?  
25. . . . A. No.

**61**

1. . . . Q. Moving up to the next email above that, on  
2. the next day, again copied to you,  
3. Ms. Holman-Harries says:  
4. . . . . "While we understand the general areas  
5. . . . you may want to cover, it would really be  
6. . . . helpful to know ASAP what you are looking

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7. . . . at."  
8. . . . . And then moving forward, she says:  
9. . . . . "Below you mention that the on-site will  
10. . . . include areas of hiring, promotion,  
11. . . . termination and compensation. However, we  
12. . . . have not been informed of any OFCCP concerns  
13. . . . in this area. In order to identify the right  
14. . . . people and confirm interview availability, we  
15. . . . request that you provide specifics on any  
16. . . . identified concerns in these areas and  
17. . . . identify topics you will want to cover."  
18. . Would you deem that to be an inappropriate  
19. . request –  
20. . . . A. No.  
21. . . . Q. -- of a contractor?  
22. . . . . Would this be the kind of -- I mean, in  
23. . this collaborative process we've discussed, the  
24. . kind of request that OFCCP should respond to  
25. . substantively?

**62**

1. . . . A. Yes. The agency should respond, answer  
2. . the question.

**62:3-63:5**

3. . . . Q. Going to the top email, Mr. Mikel lists a  
4. . variety of individuals.  
5. . . . . Do you know who it would have been that  
6. . would have compiled this list?  
7. . . . A. I -- the compliance officer, and probably  
8. . reviewing it with the manager before it's issued.  
9. . . . Q. You'll agree with me that Mr. Mikel's  
10. . response –  
11. . . . A. Oh, Mikel.  
12. . . . Q. I'm sorry. Mr. Mikel's response to  
13. . Ms. Holman-Harries does not address the questions  
14. . that she posed to him on February 27th with respect  
15. . to issues of concern?  
16. . . . A. Do I agree that they don't respond?  
17. . . . Q. Yeah. I mean, does Mr. Mikel's  
18. . response –  
19. . . . A. Yes.  
20. . . . Q. -- provide any information that identifies  
21. . OFCCP's concerns so Oracle can help identify the

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22. ·appropriate people and information to provide?  
23. · . . . A. Well, it looks like Mr. Mikel provided the  
24. ·names of the individuals and their job -- I mean,  
25. ·where they are -- I don't know if these are job

**63**

1. ·titles, but they're what they do.  
2. · . . . . It looks like he also identified the  
3. ·departments that are of concern. So it looks like  
4. ·he provided additional information, more specific  
5. ·information.

**63:9-64:5**

9. · . . . Q. Ms. Atkins, I've placed before you what  
10. ·we've marked as Exhibit 6. It's an email from  
11. ·Brian Mikel to Shauna Holman-Harries copied to you  
12. ·on the same day, March 5, regarding the Oracle  
13. ·on-site. It bears Bates numbers Oracle 395 through  
14. ·400.  
15. · . . . . Please take a look at it -- there's an  
16. ·attachment to the email -- and let me know when  
17. ·you're ready to proceed.  
18. · . . . A. (Examining document.)  
19. · . . . . (Ms. Grundy entered the deposition  
20. · . . . . room.)  
21. ·BY MR. SHWARTS:  
22. · . . . Q. Are you ready?  
23. · . . . A. Yes.  
24. · . . . Q. Okay. Exhibit 6 is -- has just one new  
25. ·email, which is the top email, again from

**64**

1. ·Mr. Mikel, but this time he notes an attachment  
2. ·which he refers to as the on-site letter, which is  
3. ·pages 399 and 400.  
4. · . . . . Can you turn to that, please?  
5. · . . . A. Okay.

**64:17-67:16**

17. · . . . Q. Okay. He repeats again the five things  
18. ·that appeared in one of the earlier communications  
19. ·to Ms. Holman-Harries, but then he lists four areas  
20. ·of concern that he's asking Oracle to provide  
21. ·information on. Is that correct?

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22. . . . A. The additional information?  
23. . . . Q. Correct.  
24. . . . A. Yes.  
25. . . . Q. All right. So again he lists, you know,

**65**

1. issues with respect to maternity leave, veterans,  
2. employees for religious -- who have taken religious  
3. observances and disability, and individuals who  
4. have made complaints of discrimination, harassment,  
5. retaliation.  
6. . . . . These are the four areas that at least  
7. he's identified to Oracle as areas for which they  
8. need additional information for this audit.  
9. Correct?  
10. . . . A. Correct.  
11. . . . Q. At that time, was -- were those the only  
12. areas of concern at the time that --  
13. . . . A. No. They couldn't have been the only  
14. areas.  
15. . . Q. So again, Ms. Holman-Harries had asked in  
16. the prior communications for Mr. Mikel to identify  
17. areas of concern, so clearly this is incomplete.  
18. Correct?  
19. . . . A. I think this is -- no. I believe this is  
20. in -- I believe the previous exhibit was his  
21. response to that question, and this is additional  
22. information while on site, areas to look at.  
23. . . . Q. All right. So the previous exhibit, and  
24. including -- it's also in this exhibit -- it was a  
25. list of individuals they wanted to identify, but it

**66**

1. did not, as we noted, identify any areas of  
2. substantive concern other than identifying  
3. individuals. This document identifies substantive  
4. areas for which additional information is required.  
5. . . . . Again, so if there were -- between these  
6. two communications, Exhibit 5 and Exhibit 6,  
7. preaudit OFCCP has not advised Oracle of any other  
8. areas of concern even if they had them. Is that  
9. fair?  
10. . . . A. I can't -- I can't say -- I can't say  
11. that.

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12. . . . Q. Well, certainly between these two exhibits  
13. Oracle doesn't know what OFCCP's areas of concern  
14. are at this point. Is that fair?  
15. . . . A. I can't speak for Oracle, what they  
16. believed.  
17. . . . Q. So the communications that have been given  
18. to Oracle don't contain -- aside from the four  
19. topics in Exhibit 6, don't contain any listing of  
20. the substantive concerns that OFCCP had as it's  
21. approaching the audit on site?  
22. . . . A. I believe Mr. Mikel did respond to  
23. specifics in the previous email with the names of  
24. people, where they're located, and specific  
25. departments of what he will be looking at further

**67**

1. while on site.  
2. . . . . I mean, this list of four is --  
3. . . . Q. Well --  
4. . . . A. -- also a listing that they're asking  
5. for --  
6. . . . Q. I mean, they list a bunch of people, but  
7. it doesn't identify whether OFCCP is concerned with  
8. compensation, are they concerned with hiring, are  
9. they concerned with firing, are they concerned  
10. with, you know, reasonable accommodation?  
11. . . . . You can't tell from his email why they  
12. have any interest in talking to these specific  
13. groups of people beyond the executives.  
14. . . . A. I thought -- I don't know. I mean, didn't  
15. he mention hiring, promotion, termination,  
16. compensation?

**67:17-22**

17. . . . Q. Well, that covers just about the entire  
18. OFCCP mandate now.  
19. . . . A. For these groups and departments?  
20. . . . Q. We've been going for a while. Would you  
21. like to take break?  
22. . . . A. Sure.

**68:10-72:10**

10. . . Q. Ms. Atkins, we've placed before you what's

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11· been marked as Exhibit 7· It's an email chain that  
12· ends with an email from you to Shauna  
13· Holman-Harries on March 13th, 2015. It bears  
14· Oracle Bates Number 652-653. And I'm going to look  
15· at the whole chain, so why don't you take a look at  
16· it and let me know when you're ready to proceed.  
17· . . . A· (Examining document)· Okay.  
18· . . . Q· Exhibit 7 is an email chain. It starts on  
19· the second page with an email from  
20· Ms. Holman-Harries to Mr. Mikel. You're not copied  
21· on this, but there's a reference there to a  
22· telephone call.  
23· . . . I was wondering if you were a participant  
24· in a call with, among others, Mr. Mikel and  
25· Ms. Holman-Harries that she's referring to here.

**69**

1· . . . A· I don't believe so.  
2· . . . Q· Okay· Her question to Mr. Mikel, which he  
3· responds to later, copy to you, says, "As a  
4· follow-up to our telephone call, I wanted to ask  
5· you what, if any, indicators have you found in your  
6· initial analysis?"  
7· . . . Is that a reasonable question from a  
8· contractor to pose in advance of an on-site?  
9· . . . A· Sure.  
10· . . . Q· Okay· So it's the kind of question that  
11· you would expect OFCCP to respond to in advance of  
12· an audit if a -- if a contractor asked for what the  
13· initial indicators are?  
14· . . . A· The -- yeah, the agency should answer  
15· questions.  
16· . . . Q· Okay· Mr. Mikel's response, after further  
17· prompting from Ms. Holman-Harries, is -- this time  
18· copied to you -- is at the top of the second page  
19· in that first paragraph.  
20· . . . He makes reference to job titles that are  
21· within the PT1, PT2, and PT3 job groups.  
22· . . . Are those AAP terms?  
23· . . . A· AAP terms –  
24· . . . Q· Affirmative action plan terms?  
25· . . . A· I –

**70**

1. . . . Q. Well, let me ask it a different way.  
2. . . . . Do you know what those terms refer to,  
3. PT1, PT2, and PT3?  
4. . . . A. I don't know what PT1 stands for, or 2 or  
5. 3, what it stands for. I don't know. I don't  
6. remember.  
7. . . . Q. So is this something that's  
8. Oracle-specific?  
9. . . . A. I believe so.  
10. . . . Q. All right. Turning to the first page,  
11 Ms. Holman-Harries responds to Mr. Mikel and, among  
12 other things, indicates that it doesn't provide  
13 sufficient enough detail for Oracle to know what to  
14 look for.  
15. . . . . She makes reference to "AAP Job Groups."  
16 Did you understand what that meant when she  
17 referred to "AAP Job Groups"?  
18. . . . A. Yes, job groups.  
19. . . . Q. And what does that refer to?  
20. . . . A. It's groupings of job titles, number of  
21 employees. I -- I mean, it's manager -- this --  
22 whether they're managers and -- executives and  
23 other -- other --  
24. . . . Q. Again, looking at the bottom of her email,  
25 she says, "We understand that OFCCP might choose to

**71**

1. aggregate by Job Group."  
2. . . . . Do you know what she's referring to when  
3 she says that you may choose to aggregate by job  
4 group?  
5. . . . A. I don't.  
6. . . . Q. She says, "I don't see how that can result  
7 in any meaningful analysis or identify any relevant  
8 indicators in any of the job in PT1, 2, or 3."  
9. . . . . Again, does that help you have an  
10 understanding of what PT1, 2, or 3 mean?  
11. . . . A. I don't know. I don't remember.  
12. . . . Q. Why did you respond to this rather than  
13 Mr. Mikel?  
14. . . . A. I believe he says that he was going away  
15 or out of the office until -- he's out until next  
16 Wednesday.

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17. . . . Q. Okay. Your response to the request from  
18. Ms. Holman-Harries on behalf of the contractor was  
19. that, "Your concerns regarding our aggregation  
20. techniques during the initial analysis have been  
21. noted."  
22. . . . . What did you mean by that?  
23. . . . A. Received -- and I believe I meant it's  
24. been received and –  
25. . . . Q. But you weren't going to do anything about

**72**

1. it. You weren't going to respond to it.  
2. . . . A. I don't remember if I'm -- I think I  
3. responded because Brian was out for a couple of  
4. days, and so it could have well been that I was  
5. just, you know –  
6. . . . Q. Kicking the can down the road while Brian  
7. was gone?  
8. . . . A. Well, responding right away so that when  
9. he comes back he could look at it further. That's  
10. probably what happened.

**72:24-73:10**

24. . . . Q. Ms. Atkins, I've placed before you what's  
25. been marked as Exhibit 8. This is an email – the

**73**

1. last email -- an email chain which ends in an email  
2. from Shauna Holman-Harries to you dated March 13th,  
3. 2015. It bears Department of Labor Document  
4. Number 1299 through 1301.  
5. . . . . Now, this is her response to the email  
6. that concluded Exhibit 7. So the only new  
7. information here is the top email. So please take  
8. a look at it and let me know when you're ready to  
9. proceed.  
10. . . . A. (Examining document.) Okay.

**74:4-22**

4. . . . Q. She adds at the bottom paragraph:  
5. . . . . "I will add, however, that I feel that  
6. . . . OFCCCP, for some reason, is unwilling in this  
7. . . . instance to be forthcoming and provide us  
8. . . . with sufficient information to enable us to

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9. . . . work with OFCCP and to have some reasonable  
10. . . . and basic understanding of what OFCCP is  
11. . . . looking at or for. I must confess that given  
12. . . . my work and experience with OFCCP's practices  
13. . . . in every other region I feel that here OFCCP  
14. . . . is for some unexplained reasons avoiding a  
15. . . . transparent and cooperative approach to its  
16. . . . identifying, and enabling us to address, any  
17. . . . perceived concerns."  
18. . . . . All right. Again, a contractor here is  
19. . basically accusing you and your district of not  
20. . being transparent in advance of an on-site. Is  
21. . that fair?  
22. . . . A. Yes. That's what she's saying.

**75:7-77:22**

7. . . . Q. Did you -- did you agree with her? Sorry.  
8. . . . . Did you disagree? Did you feel that you  
9. . had been forthcoming with the information based on  
10. . the two emails that -- or the one email that  
11. . Mr. Mikel had sent with the general overview of  
12. . what was the concerns? Did you feel that her  
13. . response to that in accusing OFCCP of being  
14. . nontransparent was fair?  
15. . . . A. I don't really have an opinion of how --  
16. . you know, whether her reaction or response is fair  
17. . or not. It's -- I would like to try and, you know,  
18. . understand what she's saying and to respond to it.  
19. . . . . I don't have any knowledge of how other  
20. . regions have responded in the past, so -- or in  
21. . other Oracle reviews. So --  
22. . . . Q. Did it concern you that a contractor who  
23. . was working with you was basically accusing your  
24. . region of not being transparent versus all of the  
25. . other regions that they had been working with?

**76**

1. . . . A. Did it concern me. I just didn't have a  
2. . reference to know really what -- I -- I mean, I --  
3. . I don't -- I don't know if I was actually concerned  
4. . or not. I --  
5. . . . Q. How about, did you go to Mr. Mikel and  
6. . say -- did you -- you know, "We should give them  
7. . more information in advance of the audit"?

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8. . . . A. No. I did not tell him how to lead the  
9. investigation.

10. . . . Q. Did you inquire at all as to whether or  
11. not more information should be provided to the  
12. contractor prior to the audit given their specific  
13. feelings about it?

14. . . . . It seems that this is putting you and –  
15. "you" meaning the OFCCP and its contractor on  
16. almost an adversarial footing in advance of an  
17. on-site.

18. . . . A. She does sound upset, and so –

19. . . . Q. Were you under any directive, you or  
20. Mr. Mikel, not to provide additional information to  
21. them in advance of the on-site?

22. . . . A. I don't remember being told not to provide  
23. information.

24. . . . Q. Clearly you had more specific information  
25. in your possession in advance of the on-site

77

1. besides what Mr. Mikel had told them. Correct?

2. . . . A. I don't think I even knew what the minute  
3. details of the investigation -- I don't -- I don't  
4. remember even knowing the results of any prior  
5. on-site evaluations. From –

6. . . . Q. Well, those were -- that was the result of  
7. a desk audit at this point. Correct?

8. . . . A. Right.

9. . . . Q. Which would have had certain indicators  
10. that concerned OFCCP enough to decide to go on site  
11. and do an audit. Correct?

12. . . . A. Yes.

13. . . . Q. All right. And I presume that it was more  
14. detailed than the information that is in the first  
15. paragraph of Mr. Mikel's March 12th email.

16. . . . A. Yes. They would have known what the  
17. results of internal analysis are.

18. . . . Q. And what areas of concern OFCCP had.

19. . . . A. Yes.

20. . . . Q. All right. So certainly that information  
21. had not been provided to Oracle beyond what was in  
22. Mr. Mikel's prior email. Correct?

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**77:23**

23. . . . . MR. SHULTZ:· Objection.· Speculation.

**77:24-25**

24. . . . . THE WITNESS:· I -- I mean, yeah, other  
25. ·than what I see here in this exhibit, I don't know.

**85:20-86:19**

20. . . . Q.· Ms. Atkins, I've placed before you what's  
21. ·been marked as Exhibit 10.· It is the same email as  
22. ·Exhibit 9, except it has one more email on top,  
23. ·which is an email from Shauna Holman-Harries to you  
24. ·dated March 17th, 2015.· Bears Department of Labor  
25. ·Bates Number 1292 to 1294.

**86**

1. . . . . Let me know when you've had a chance to  
2. ·read it, and we'll proceed.  
3. . . . A.· (Examining document.)· Okay.  
4. . . . Q.· This is an email you received from  
5. ·Ms. Holman-Harries?  
6. . . . A.· Yes.  
7. . . . Q.· Do you recall ever responding to  
8. ·Ms. Holman-Harries, her request in the second  
9. ·paragraph?  
10. . . . A.· To this email?  
11. . . . Q.· Yeah. She sent you an email.· Do you  
12. ·recall responding to her orally or in writing as to  
13. ·her two requests?  
14. . . . A.· I don't recall.  
15. . . . Q.· Was a communication ever sent out to the  
16. ·employees in advance of the on-site?  
17. . . . A.· I don't remember.  
18. . . . Q.· Do you recall whether OFCCP sent it?  
19. . . . A.· I don't remember.

**102:8-19**

8. . . . Q.· Was there any discussion in that entrance  
9. ·conference about the indicators that were of  
10. ·concern to OFCCP?  
11. . . . A.· There would have been, I believe – I  
12. ·can't remember, but I -- I would assume that there  
13. ·would have been notification of why we're there.

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14. . . . Q. I'm not asking you to assume. I'm asking  
15. for your memory about whether or not there was any  
16. discussion at this entrance conference of the  
17. indicators.  
18. . . . A. I don't remember specifically about  
19. indicators.

**150:24-151:21**

24. . . . Q. Ms. Atkins, I've placed before you what's  
25. been marked as Exhibit 27. It is a letter from my

**151**

1. partner Gary Siniscalco to you on July 9th, 2015,  
2. responding to your email that we've marked earlier  
3. as Exhibit 25.

4. . . . . My first question to you is, when you  
5. received this letter, did you deal with it  
6. personally, or did you pass it on to others to be  
7. dealt with?

8. . . . A. I would have discussed it with my  
9. supervisors, yes.

10. . . . Q. So when you -- if I could use the passive  
11. tense, did you discuss this with your supervisors?

12. . . . A. Yes. I'm pretty sure I did.

13. . . . Q. Do you -- as you sit here today, do you  
14. recall this letter?

15. . . . A. Let me see. Yes, I remember getting it.

16. . . . Q. Did -- did you ever respond to it?

17. . . . A. I don't remember responding, but --

18. . . . Q. Because I don't have a written response  
19. that you ever sent. I'm asking if you recall there  
20. ever being one.

21. . . . A. I don't remember.

**157:1-158:3**

1. . . . Q. Turn with me to page 5 of the letter.  
2. Mr. Siniscalco writes:  
3. . . . . "Despite several requests from Oracle  
4. . . . before the on-site visit for specifics  
5. . . . regarding OFCCP's summary assertion that  
6. . . . there were 'indicators' of possible bias in  
7. . . . hiring and compensation, OFCCP refused to  
8. . . . respond and continues to this date."  
9. . . . . It's true, is it not, that as of July of

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10. ·2015 OFCCP had not provided any specifics  
11. ·underlying its general assertion that there might  
12. ·be indicators with respect to hiring and  
13. ·compensation?  
14. · . . . A. I can't -- I mean, I can't remember what  
15. ·exactly was provided or all the information that  
16. ·was provided.  
17. · . . . Q. Well, you certainly had not provided  
18. ·anything -- we've seen one paragraph that was sent  
19. ·by Mr. Mikel two weeks before the on-site making  
20. ·reference to compensation and hiring and PT – you  
21. ·know, P1, P2, and P3.  
22. · . . . . Aside from that one paragraph, are you  
23. ·aware of any other specific information that was  
24. ·provided to Oracle prior to July of 2015 that  
25. ·provided some specifics as to the indicators that

**158**

1. ·raised concerns around hiring and compensation?  
2. · . . . A. I don't remember, other than what I saw in  
3. ·that last exhibit.

**169:20-170:13**

20. · . . . Q. During your time working as the Special  
21. ·Assistant, would you have been involved assisting  
22. ·in what ultimately became Exhibit 29?  
23. · . . . A. I can't remember -- at this time in the  
24. ·process, I can't remember how much involvement I  
25. ·had with this case, and -- I mean, I -- I guess --

**170**

1. ·let me just try and -- I was sort of pulled in and  
2. ·out when I became the Special Assistant.  
3. · . . . Q. So when you say "pulled in and out,"  
4. ·pulled in and out by whom?  
5. · . . . A. Working -- oh, by Janette.  
6. · . . . Q. Okay. So she'd ask you for help here and  
7. ·there on --  
8. · . . . A. Yes. That's how I remember it.  
9. · . . . Q. Did you work with or have any interaction  
10. ·with Mr. Doles with respect to the -- I see here  
11. ·that he signed this letter as District Director.  
12. · . . . A. So I must have been the Special Assistant  
13. ·during this time period.

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**173:8-18**

8. . . . . I just want to have an understanding in  
9. · terms of your role as of winter-spring of -- you  
10. · know, early 2016, and the role you would have had,  
11. · if any, in the creation of Exhibit 29.  
12. . . . A. I did not help draft Exhibit 29 or -- I  
13. · don't recall having a role. I mean --  
14. . . . Q. Were you -- was part of your job in any  
15. · respect making recommendations as to whether or not  
16. · from a substantive standpoint Exhibit 29 should  
17. · issue?  
18. . . . A. No. I did not have a role in that.

**175:3-7**

3. . . . Q. Do you remember yourself making any  
4. · recommendations, pro or con, with respect to a  
5. · prospective Notice of Violation before you stepped  
6. · out of your role?  
7. . . . A. No.

**175:8-176:5**

8. . . . Q. Do you have any understanding as to what  
9. · role the statistical analysis played in the  
10. · issuance of Exhibit 29?  
11. . . . A. It would have played a strong role in the  
12. · compensation, and I remember the compensation, it  
13. · playing a strong role in that. I don't remember  
14. · details about the other.  
15. . . . Q. Well, if you look at Exhibit 29,  
16. · Violation 2, Violation 3, Violation 4, Violation 5,  
17. · all refer to Attachment A, which is the -- what is  
18. · called a -- what's referred to as a progression  
19. · analysis.  
20. . . . A. Okay.  
21. . . . Q. So at least with respect to those?  
22. . . . A. Yes. There would have been statistical  
23. · analysis.  
24. . . . Q. Meaning but for that statistical analysis,  
25. · the NOV would not have issued?

176

1. . . . A. But for –  
2. . . . Q. For those violations. Those violations  
3. are based on -- to your understanding were based on  
4. a statistical analysis.  
5. . . . A. Right.

177:11-178:17

11. . . . Q. All right. So at the end of the day,  
12. despite all the on-site interviews and other  
13. information that was conducted, Violations 1  
14. through 5 in the NOV were based on statistics,  
15. based on an analysis of statistics based on  
16. information that was provided electronically by  
17. Oracle. Correct?  
18. . . . A. It was based on the whole of the evidence.  
19. So including interviews, any policies submitted –  
20. . . . Q. But for the standard deviations that  
21. appeared and are contained in Exhibit 29, it's fair  
22. to say that no NOV would have issued but for the  
23. statistical analysis. Is that fair?  
24. . . . A. I can't say that, because I wasn't -- I  
25. don't remember this -- this part of it, so I don't

178

1. remember if I could -- I don't think I could say  
2. that.  
3. . . . Q. That is certainly what is called out,  
4. though, in Exhibit 29. Violation 1 refers to  
5. hiring data, and the remaining violations refers to  
6. the Attachment A.  
7. . . . . The balance of the violations, 6 onward,  
8. are more in the terms of practice violations in  
9. terms of record retention and --  
10. . . . A. It says, "Through regression and other  
11. analysis."  
12. . . . Q. So that leads you to believe that – that  
13. besides the actual statistical analysis, there may  
14. have been some other analysis that would bear upon  
15. the reason why Exhibit 29 was entered, was issued?  
16. . . . A. Yes, it looks like it's statistical  
17. analysis and other analysis.

**178:24-183:18**

24. . . . Q. Ms. Atkins, I've placed before you what  
25. we've marked as Exhibit 30. It's a letter from

**179**

1. Robert Doles to Shauna Holman-Harries, copy to you,  
2. on March 29, 2016.

3. . . . A. Okay.

4. . . . Q. Did you see a copy of this before it was  
5. sent out, or did you just receive a copy of it  
6. after it was prepared and sent out?

7. . . . A. I don't remember receiving it before.

8. . . . Q. Mr. Doles says to Ms. Holman-Harries:

9. . . . . "During the entrance conference held on  
10. . . . March 24, 2015, OFCCP discussed with you and  
11. . . . other Oracle representatives the preliminary  
12. . . . indicators and areas of concern at issue in  
13. . . . the compliance evaluation, including Oracle's  
14. . . . compensation and hiring practices."

15. . . . . Other than simply saying that there was  
16. concerns about their compensation and hiring  
17. practices, what other information was provided at  
18. the preliminary -- at the entrance exam -- entrance  
19. conference?

20. . . . A. I don't remember the details.

21. . . . Q. Do you have any recollection of any  
22. substantive information being provided at the  
23. entrance conference other than a statement of  
24. general concern?

25. . . . A. No, I don't remember. I don't remember

**180**

1. what was said at the entrance conference.

2. . . . Q. He then goes on to say:

3. . . . . "At the exit conference held on March 27,  
4. . . . 2015, OFCCP informed you and Neil Bourque  
5. . . . that the Agency would conduct further  
6. . . . analysis and any Agency findings would be  
7. . . . issued in a formal notice."

8. . . . . Do you recall that ever happening, or is  
9. this just something he's just making up?

10. . . . A. It might have been said when I wasn't  
11. present. It might have been -- it might have been

12. · Brian Mikel and somebody else.  
13. . . . Q. That wouldn't have been an exit  
14. · conference. That would have been like, "We'll get  
15. · back to you."  
16. . . . A. I don't know.  
17. . . . Q. Do you know if any substantive information  
18. · was provided to Oracle on March 27th at the  
19. · conclusion of the March on-site?  
20. . . . A. I don't know. I wasn't present.  
21. . . . Q. And he goes on to say:  
22. . . . . "Upon conclusion of the follow-up on-site  
23. . . . review on June 25, 2015, OFCCP informed you  
24. . . . and Oracle representatives Neil Bourque,  
25. . . . Charles Nyakundi, and outside counsel Gary

**181**

1. . . . Siniscalco that the Agency would review the  
2. . . . information collected and conduct further  
3. . . . analysis to determine its findings."  
4. . . . . In fact, you specifically, as we saw  
5. · earlier, told them that no exit review – exit  
6. · conference would be conducted because you weren't  
7. · finished with your analysis. Correct?  
8. . . . A. Wait. Upon conclusion -- is he saying  
9. · that on –  
10. . . . Q. At the end of the June on-site.  
11. . . . A. On June 25?  
12. . . . Q. He's saying, "OFCCP informed Oracle that  
13. · the Agency would review the information collected  
14. · and conduct further analysis to determine its  
15. · findings."  
16. . . . A. I don't know. I wasn't there.  
17. . . . Q. Well, we did recall the letter that  
18. · Ms. Wipper wrote for you in which you concluded  
19. · saying there was not going to be an exit conference  
20. · because you weren't done with your findings yet.  
21. . . . . Do you recall that?  
22. . . . A. Yes. There was that letter, and it said  
23. · that.  
24. . . . Q. Any other substantive information that was  
25. · provided to Oracle regarding the agency's findings

**182**

1. at the end of the June on-site?  
2. . . . A. Not that I know of.  
3. . . . Q. Are you aware of any other substantive  
4. findings that were provided to Oracle prior to the  
5. time that you stopped being the District Director?  
6. . . . A. No, I don't recall.  
7. . . . Q. Are you aware of any other substantive  
8. findings that were provided to Oracle at any time  
9. prior to the issuance of the NOV in March of 2016?  
10. . . . A. When you say "substantive findings," do  
11. you mean actual conclusions or --  
12. . . . Q. Yeah, actual conclusions with support and  
13. supporting information.  
14. . . . A. I don't recall.  
15. . . . Q. Do you recall at any time -- other than,  
16. again, the general concerns expressed by Mr. Mikel  
17. prior to the March on-site, at any time prior to  
18. you stopped -- cease being District Director, did  
19. OFCCP outline its specific concerns about  
20. employment practices at Oracle?  
21. . . . A. I don't remember other than what may  
22. already be in the communications that are written.  
23. . . . Q. Do you recall as District Director  
24. providing Oracle with any other specific  
25. information regarding its employment practices

**183**

1. during the course of the audit until the time you  
2. stopped being District Director?  
3. . . . A. I don't recall. I don't remember.  
4. . . . Q. Does that mean it didn't happen, or --  
5. because you can't remember it, or you think it may  
6. have happened but --  
7. . . . A. I don't remember it. I mean, if it's  
8. written somewhere, then it's probably --  
9. . . . Q. Well, I'll represent to you that it's not  
10. based on any document production that -- I've given  
11. you what there is on this topic.  
12. . . . . Do you have any -- as you sit here, think,  
13. God, I remember writing something or sending  
14. something to Oracle that said, this is what we're  
15. concerned about, here are the specific indicators  
16. that we're concerned about?

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17. . . . A. Nothing other than what's already been  
18. looked at.

**186:23-190:24**

23. . . . Q. I've placed before you what's been marked  
24. as Exhibit 33. It is a letter from you to Gary  
25. Siniscalco dated September 9, 2016.

**187**

1. . . . . Take a look at it and let me know when  
2. you're ready to proceed.  
3. . . . A. (Examining document.)  
4. . . . Q. Are you ready to proceed?  
5. . . . A. Yes.  
6. . . . Q. Did you write this or did someone write it  
7. for you?  
8. . . . A. I can't remember if I wrote this, but I  
9. would have reviewed it.  
10. . . . Q. Given how other similar letters had been  
11. prepared previously, would it stand to reason that  
12. Ms. Wipper wrote this one too?  
13. . . . A. She would have been involved in it. I  
14. don't know how to -- I can't remember in this one  
15. how -- but yes, she would have had -- she would  
16. have reviewed it.  
17. . . . Q. You notice in the prior couple of exhibits  
18. that we have provided, including two that you've  
19. written, that the government is asking Oracle to  
20. rebut and to put in information to rebut the Notice  
21. of Violation. Correct?  
22. . . . A. I -- yes, I believe that term was used.  
23. . . . Q. Is that your term, or was that someone  
24. else's term?  
25. . . . A. I think it was someone else's term.

**188**

1. . . . Q. Is it your understanding -- is your  
2. understanding, Ms. Atkins, that when a Notice of  
3. Violation issues, the accused contractor has to  
4. rebut the government's -- has an obligation to  
5. rebut the Notice of Violation? Has that been your  
6. experience?  
7. . . . A. There's no requirement to rebut.

8. . . . Q. Now, when a Notice of Violation issues, in  
 9. essence the government is saying that they're –  
 10. they have found that there are violations that the  
 11. company needs to correct. Is that fair?  
 12. . . . A. Yes.  
 13. . . . Q. And the best possible outcome of that  
 14. would be for the company to correct those  
 15. violations based on an NOV. Correct?  
 16. . . . A. Right.  
 17. . . . Q. And in order to do that, it would be  
 18. helpful to the company to have an understanding of  
 19. the basis for the violations in order to correct  
 20. those violations. Correct?  
 21. . . . A. Yes, that's reasonable.  
 22. . . . Q. Okay. So to the extent that, for example,  
 23. the government is alleging that they found some  
 24. statistical disparities in compensation, it might  
 25. be helpful to the contractor to understand the

**189**

1. basis for those statistical disparities so they can  
 2. understand them and either argue against them or  
 3. take steps to correct them. Fair?  
 4. . . . A. Yes.  
 5. . . . Q. Okay. Now, was there ultimately a  
 6. conciliation meeting scheduled between Oracle and  
 7. the OFCCP?  
 8. . . . A. I remember a conciliation meeting.  
 9. . . . Q. All right. Now, I'm going to talk more  
 10. generally for purposes of our deposition.  
 11. . . . . In the OFCCP world, what is a conciliation  
 12. meeting?  
 13. . . . A. It could be an in-person meeting. It  
 14. could be by telephone. It's a discussion of the  
 15. violations that have been found and steps to remedy  
 16. it and come to agreement on how to do so so that  
 17. the case could be resolved.  
 18. . . . Q. The purpose of it is to seek to bring –  
 19. seek to resolve the Notice of Violation. Fair?  
 20. . . . A. Right.  
 21. . . . Q. Correct?  
 22. . . . A. Correct.  
 23. . . . Q. Okay. So in this case there was a  
 24. conciliation meeting that was held. This was in

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25. October of 2015 -- 2016, approximately?

**190**

1. . . . A. Probably.

2. . . . Q. Were you in attendance at the conciliation  
3. meeting?

4. . . . A. I remember being in attendance to one of  
5. them.

6. . . . Q. Do you believe there was more than one or  
7. just one?

8. . . . A. There might have been more. I don't know.

9. . . . Q. At least as far as you were concerned  
10. there was only one that you attended?

11. . . . A. That I attended I remember.

12. . . . Q. Do you recall who else attended the  
13. meeting that you did?

14. . . . . Let's start with, who attended from OFCCP?

15. . . . A. Okay. Jane, Janette, Hoan –

16. . . . Q. So let's -- that would be Janette Wipper.  
17. Correct?

18. . . . A. That's right.

19. . . . Q. Jane Suhr. Correct?

20. . . . A. Yes.

21. . . . Q. Hoan Luong?

22. . . . A. Yes.

23. . . . Q. Yourself.

24. . . . A. Yes.

**191:9-18**

9. . . Q. And how about from Oracle? Who was at the  
10. conciliation meeting that you attended from Oracle?

11. . . . A. So Gary Siniscalco, Erin Connell.

12. . . . Q. Erin Connell, yes.

13. . . . A. Connell, okay. Was Shauna -- I don't  
14. remember if Shauna Holman-Harries was there.

15. . . . Q. Was Juana Schurman there from Oracle?

16. . . . A. She might have been there. I remember  
17. about four to five people. I can't remember for  
18. sure.

**192:2-193:7**

2. . . . Q. All right. Do you recall what was  
3. discussed?

4. . . . A. That -- the Notice of Violation. I don't  
5. remember all the details.

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6. . . . Q. Did Oracle at this meeting ask for  
7. evidence or information supporting the NOV;  
8. specifically, statistical information or  
9. information supporting the statistical information  
10. contained in the NOV?  
11. . . . A. I can't remember the specific questions.  
12. . . . Q. Do you recall generally if Oracle was  
13. asking for more information supporting the NOV?  
14. . . . A. I think so.  
15. . . . Q. Was any provided at that meeting?  
16. . . . A. I think so verbally. I think some  
17. responses were given. I can't remember the details  
18. of it.  
19. . . . Q. Do you recall any -- any specifics at all  
20. as to what was provided at the conciliation  
21. meeting? For example --  
22. . . . A. I don't know.  
23. . . . Q. -- was any -- were any documents given to  
24. Oracle supporting the underlying statistical  
25. information?

**193**

1. . . . A. A. I can't remember.  
2. . . . Q. Were you asked to prepare any in advance?  
3. . . . A. I don't remember.  
4. . . . Q. Did you come to the -- to the conciliation  
5. . . . meeting prepared to yourself impart information to  
6. . . . Oracle?  
7. . . . A. Not specifically.



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**12:25-13:24**

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

**13**

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

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

3 Deponent Regarding Topics 31 and 32.

4 (Whereupon, Exhibit 93 was marked for

5 identification.)

6 (Discussion off the record.)

7 BY MS. BREMER:

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

9 A. Oh, sure.

10 Q. -- at the exhibit.

11 Have you seen this document before?

12 A. This exact document?

13 Q. Have you seen a copy of this document

14 before?

15 A. I don't believe so. I've seen something

16 with these -- the 31 and 32 listed, though. I think

17 it was a slightly different document than this.

18 Q. Okay. So it lists two topics for

19 deposition, No. 31 and 32. Do you see that?

20 A. I do.

21 Q. Is it your understanding that you are going

22 to testify on behalf of Oracle regarding these two

23 topics of deposition?

24 A. It is.

**20:5-24:23**

5. . . . Q. So if I'm understanding you, you've been a

6. . . . senior director of HR since 2012, but your role with

7. . . . respect to workplace investigations has been just

8. . . . since late 2014?

9. . . . A. That's correct.

10. . . . Q. And who handled workplace investigations at

11. . . . Oracle between January 1st, 2013 until the time that

12. . . . you started in that role?

13. . . . A. Workplace investigations were handled by HR

14. . . . business partners, as they are today. We've just

15. . . . added some dedicated resources.

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

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

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

**21**

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

**22**

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

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8.. the first hires that I made.  
9. . . . Q. And for the workplace investigations that  
10.. were done by HR professionals and have always been  
11.. done at Oracle, what's the title of the people who  
12.. conducted those -- those investigations?  
13.. MR. PARKER: Compound and vague as to time.  
14.. THE WITNESS: Are you asking -- so HR  
15.. business partners, to be specific, sometimes also  
16.. referred to as HR consultants at Oracle, and I  
17.. specifically conduct investigations, have conducted  
18.. investigations and still do.  
19.. BY MS. BREMER:  
20. . . . Q. Okay. So investigations can either be  
21.. conducted by the HR business partners and, since  
22.. September of 2014, could also be conducted by your  
23.. team?  
24.. MR. PARKER: Misstates the testimony.  
25.. THE WITNESS: It is -- it is true that

**23**

1.. we -- since we hired -- I'll say since we created  
2.. the team, my team, some are new hires to Oracle;  
3.. some were internal transfers from the HR business  
4.. partner community. Both groups do conduct -- have  
5.. and do conduct investigations.  
6.. BY MS. BREMER:  
7. . . . Q. Prior to September 2014, how many HR  
8.. business partners did Oracle have who conducted  
9.. investigations of complaints?  
10. . . . A. I don't know.  
11. . . . Q. Do you know approximately how many?  
12. . . . A. Are you asking me specifically to a time  
13.. frame or location?  
14. . . . Q. I'm -- okay. Who would investigate  
15.. complaints at Oracle's headquarters between January  
16.. 1st, 2013 and September 2014?  
17. . . . A. I don't know the exact number. I would  
18.. be -- it would be hard for me to estimate that.  
19. . . . Q. Okay. And when you began hiring -- or when  
20.. Oracle began hiring HR professionals who were  
21.. dedicated full time to HR -- to human resources  
22.. investigations, how many people did it hire?  
23.. MR. PARKER: Vague as to time.  
24.. THE WITNESS: At what time?

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25

**24**

1· BY MS. BREMER:

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

3· . . . A. When I began hiring?

4· MR. PARKER: Vague as to time.

5· BY MS. BREMER:

6· . . . Q. When Oracle -- okay.

7· In September 2014, how many HR

8· professionals were dedicated full time to HR

9· investigations?

10· . . . A. None.

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

12· right, for that role?

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

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

15· build the team --

16· . . . Q. Okay. And --

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

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

19· of 2015?

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

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

22· who started working for me in this capacity March

23· 1st of 2015.

**30:2-34:2**

2 Q. Do you or anyone on your team interface

3 with Oracle's legal department regarding complaints?

4 MR. PARKER: So this is outside the scope

5 of the 30(b)(6) topics. It's compound, and it's

6 vague as to time.

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

8 scope.

9 MR. PARKER: It definitely is. The scope

10 is discrimination and in pay discrimination, and

11 your question is not limited to that. It's using

12 the term "complaints."

13 BY MS. BREMER:

14 Q. Okay. Does anyone on your team or you

15 interface with Oracle's legal department regarding

16 complaints of discrimination between 2013 and the

17 present?

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18 A. Are you asking me specifically about the  
19 investigations part of my team?  
20 Q. Yes.  
21 A. Yes.  
22 Q. Okay. Who, in legal, do you interface with  
23 with respect to discrimination complaints?  
24 MR. PARKER: Vague as to time. And "you"  
25 is plural or singular in that sentence? Because the

**31**

1 prior one was -- used "you or your team."  
2 BY MS. BREMER:  
3 Q. Okay. When you said "yes," were you  
4 talking about you or your team interfacing with the  
5 legal department with respect to the discrimination  
6 complaints?  
7 A. Both.  
8 Q. Okay. So who, in legal, do you and your  
9 team interface with?  
10 MR. PARKER: Vague as to time.  
11 BY MS. BREMER:  
12 Q. Between -- I'm talking about the same time  
13 frame, 2013 through the present.  
14 A. Repeat your question. So who --  
15 Q. Is there a specific -- if you or your team  
16 are dealing with a complaint of discrimination, is  
17 there a particular person in the legal department  
18 who you're communicating with or more than one  
19 person?  
20 A. Are you asking me about a specific -- as it  
21 pertains to a specific location?  
22 Q. Headquarters.  
23 A. Okay. So it could be a variety of people.  
24 Yes. It could be more than one person. Yes.  
25 Q. Okay. Who are the people that you -- in

**32**

1 the legal department that you would discuss  
2 complaints of discrimination with if it pertains to  
3 headquarters?  
4 A. It would depend on the nature of a  
5 particular -- I can't answer in the abstract who we  
6 might speak to. It would depend on the nature of  
7 the allegations or claim.

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8 Q. Okay. If it's a complaint -- is there a  
9 particular person in the legal department who you  
10 would communicate with regarding a complaint of  
11 compensation discrimination at headquarters?

12 A. No.

13 Q. And what about gender discrimination?

14 A. No.

15 Q. Race discrimination?

16 A. No.

17 Q. Okay. So it's not one person, but who are  
18 the -- who are the people that you would communicate  
19 with regarding those types of claims, the three that  
20 I just mentioned?

21 A. I cannot answer, again, in the abstract  
22 about what we might do in a given case about those  
23 topics. It would depend on the nature of the claim  
24 or allegation.

25 MR. PARKER: I think she just wants the

**33**

1 names of the people who fall into that category.

2 MS. BREMER: Right.

3 MR. PARKER: Not who you would go to  
4 specifically.

5 THE WITNESS: Okay.

6 MR. PARKER: I think it's more of a general  
7 question, like --

8 THE WITNESS: Okay.

9 MR. PARKER: -- who could possibly be the  
10 person you walk in and say, "Listen, we have a  
11 complaint," or something like that. Is that  
12 accurate?

13 MS. BREMER: Yes.

14 THE WITNESS: Okay. As it pertains to  
15 workplace investigations or complaints by employees;  
16 is that correct?

17 MR. PARKER: Yes. That's her question.

18 MS. BREMER: Yes.

19 THE WITNESS: It could be -- we could talk  
20 with Emily Sullivan, we could speak with Jenny  
21 Cotner -- oh, forgive me, would you like me to spell  
22 the names? Emily, E-M-I-L-Y, Sullivan,  
23 S-U-L-L-I-V-A-N; Jenny, J-E-N-N-Y, Cotner,  
24 C-O-T-N-E-R; Matt, M-A-T-T, Feiner, F-E-I-N-E-R;

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

**34**

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

**36:10-37-14**

10 Q. Yes.

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

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

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

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

20 Q. And is that a required training?

21 A. Yes.

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

24 A. Everyone.

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

**37**

1 A. That's correct.

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

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

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

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

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

11 And then when we -- we train on a variety  
12 of those topics annually. It always includes  
13 information about how to file a complaint in  
14 multiple spots within the different training topics.

**39:3-11**

3 Q. Is Oracle's Integrity Helpline one method  
4 that employees can use to make complaints regarding  
5 discrimination?

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6 A. Yes.

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

11 A. Yes, they could.

**40:24-41:7**

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

**41**

1 make a complaint regarding discrimination?

2 A. Yes.

3 Q. Okay. And where would that be?

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

**41:13-42:9**

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

19· BY MS. BREMER:

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

21· . . . A. Yes.

22· . . . Q. And what is it?

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

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

**42**

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

3· . . . Q. What is EthicsPoint?

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

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

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9. . . . A. Yes.

**43:17-44:1**

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

**44**

1 attention, your team's attention?

**44:2-25**

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

**45:8-21**

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

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

**46:1-7**

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

**52:11-23**

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

**54:5-55:9**

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

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10 email summarizing what the reporter provided.

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

13 A. No.

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

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

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

22 A. It's transmitted to -- the complaints are  
23 transmitted to my group, yes, sometimes via email.  
24 But also, if it comes into the Integrity Helpline,  
25 it may get transferred in the EthicsPoint system to

**55**

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

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

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

**56:11-59:18**

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

14 A. That is my understanding, yes.

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

18 MR. PARKER: Vague and ambiguous.

19 THE WITNESS: I don't know --

20 MS. BREMER: Okay.

21 THE WITNESS: -- what exactly they do.

22 BY MS. BREMER:

23 Q. Well, what -- when you say you or your team  
24 is accessing this EthicsPoint system, what  
25 information is available to your team on that? You

**57**

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

2 for example; is that on there?

3 A. I didn't --

4 MR. PARKER: Misstates the testimony.

5 THE WITNESS: I didn't say that.

6 BY MS. BREMER:

7 Q. Okay. Well, can you explain what

8 information is on that system?

9 MR. PARKER: Compound.

10 THE WITNESS: It will depend on the

11 specific case, what information might get input into

12 the system. But whatever information EthicsPoint

13 puts in there, and then anything else that the

14 investigator working on that case might include.

15 BY MS. BREMER:

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

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

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

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

20 the complaint, et cetera, but what types of

21 information or what categories of information are

22 available on it?

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

24 in the information that the reporter provides, and

25 we add information along the way in terms of other

**58**

1 parties involved, category of complaint. It

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

3 verbatim what's in there.

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

5 specific information about the complaint that came

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

7 correct?

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

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

10 summary.

11 Q. Okay. If a complaint goes into

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

13 summary into this case management system?

14 A. Who is "they"?

15 Q. EthicsPoint.

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

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

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

24 Q. Okay. Can you clarify then?

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

**59**

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

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

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

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

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

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

**60:5-13**

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

9 MR. PARKER: Vague and ambiguous.

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

**64:3-17**

3 Q. So what -- is there certain information

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

6 A. No.

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

9 THE WITNESS: Specifically about  
10 discrimination?

11 MR. PARKER: Yeah.

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

**67:25-68:4**

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

**68**

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

4 A. That is my understanding.

**72:19-74:5**

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

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

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

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

**73**

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

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

5. BY MS. BREMER:

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

8. MR. PARKER: Same objections.

9. THE WITNESS: Today?

10. BY MS. BREMER:

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11· . . . Q. Since 2015 with respect to headquarters.  
12· MR. PARKER: Same objections.  
13· BY MS. BREMER:  
14· . . . Q. Just generally, what their role is.  
15· . . . A. Are you specifically -- HR business  
16· partners, so we're saying very high level, in  
17· general, they're just that, an HR business partner.  
18· They're providing support, HR-related support to  
19· employees in management, leadership, everything from  
20· operational HR to strategic HR.  
21· . . . Q. So if a manager in product development had  
22· an issue, an HR issue, they would go to their  
23· assigned HR business partner?  
24· . . . A. They certainly could, yes.  
25· . . . Q. And are HR business partners -- they're

**74**

1· assigned to specific groups, like product  
2· development?  
3· . . . A. Generally, yes. HR business partners are  
4· assigned to a group or groups. There may be a  
5· variety of functions or one function.

**74:10-19**

10· . . . Q. Okay. So they would -- if an HR business  
11· partner received a complaint of discrimination, they  
12· could handle that themselves?  
13· . . . A. If an HR business partner received a  
14· complaint of discrimination, could they handle it  
15· themselves?  
16· . . . Q. Yes.  
17· . . . A. Is that what you asked?  
18· . . . Q. Yes.  
19· . . . A. They could, yes.

**75:2-25**

2· . . . Q. Are -- is -- if an HR business partner  
3· conducts an investigation of discrimination, does --  
4· do you -- does your group receive notice of that?  
5· . . . A. Not necessarily.  
6· . . . Q. You don't necessarily receive information  
7· about that investigation or complaint at all?  
8· . . . A. Not necessarily, no.  
9· . . . Q. And is that just up to the discretion of

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

**76:1-12**

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

**86:4-88:23**

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

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16 representatives or some other source?

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

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

19 specifically.

20 Q. What sources did it come from?

21 A. I don't know specifically.

22 Q. Okay. So if an HR representative receives

23 a complaint that they ask your team to investigate

24 as opposed to doing it themselves, do they load

25 information about it onto the case management system

**87**

1 or notify you by some other means?

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

3 Q. Okay. Do the HR representatives also have

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

5 NAVEX case management system?

6 A. No, they do not.

7 Q. Okay.

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

9 it pertains to U.S. headquarters.

10 Q. Yes.

11 A. No.

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

13 other than through the NAVEX system?

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

15 several ways that they can obviously tell us,

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

17 also have a reporting incident form that they can

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

19 called.

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

21 system or...?

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

23 for us so that HR business partners could submit

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

25 have to use email or call.

**88**

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

2 information about a case that they would like us to

3 handle.

4 Q. And where are those kept, the incident

5 report forms?

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6 A. Gosh, I don't know.

7 Q. Are those on Oracle's system?

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

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

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

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

15 A. No.

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

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

21 Q. And who does that?

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

**88:24-90:8**

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

**89**

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

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

5. . . . A. Uh-huh.

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

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

8. . . . So if there's a -- if there's a complaint  
9. . . . to be investigated by my team or by an HR business  
10. . . . partner, including discrimination, those are all  
11. . . . done at the direction of counsel.

12. . . . So after we receive a complaint, we would  
13. . . . do an intake -- assuming it hadn't already been done  
14. . . . because the person didn't just call and tell you, so  
15. . . . there's an intake interview done with the  
16. . . . complainant or the reporter. Sometimes that's done  
17. . . . after legal has been made aware of this concern,  
18. . . . sometimes it's done before. It's done for the  
19. . . . purposes of getting legal advice to then conduct the  
20. . . . investigation.

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21· . . . Q. Okay. Is the intake interview done with  
22· legal -- with somebody from the legal department  
23· present?

24· . . . A. No.

25· . . . Q. And the intake interview with the

**90**

1· complainant is done sometimes before legal has been  
2· informed about the complaint?

3· . . . A. Yes.

4· . . . Q. And then once -- and one of the five  
5· investigators on your team or you may conduct the  
6· intake interview?

7· . . . A. Could -- that is correct. But it could  
8· also be an HR business partner.

**91:4-19**

4 Q. So the process is that you conduct an  
5 intake interview, you or your team, and then talk to  
6 one of the attorneys that you mentioned previously  
7 about the complaint?

8 MR. PARKER: Misstates the testimony.

9 THE WITNESS: That's not exactly what I  
10 said.

11 BY MS. BREMER:

12 Q. Okay. Can you clarify, please?

13 A. When a complaint is received, there is an  
14 intake interview done. That could occur after legal  
15 has been engaged or notified of the concern or  
16 before, depends on the individual case. But in all  
17 cases, all investigations that we conduct are based  
18 on the advice that we get from our employment legal  
19 team.

**92:25-93:6**

25 Q. Okay. If you're investigating a

**93**

1 discrimination complaint regarding somebody at  
2 headquarters, do you have a general practice as to  
3 how those investigations are conducted?

4 MR. PARKER: Vague and ambiguous.

5 Compound.

6 THE WITNESS: We do not.

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**95:7-97:9**

7. . . . Q. In conducting a complaint of compensation  
8. discrimination, you talk to the complainant. Who  
9. else would you talk to to investigate a claim of  
10. compensation discrimination?  
11. . . . A. That depends on the -- I'm sorry -- depends  
12. on the specific case. That would be done at the  
13. direction and advice of counsel.  
14. . . . Q. Would you talk to the manager who set --  
15. who was involved in setting the pay of the  
16. individual claiming compensation discrimination?  
17. MR. PARKER: Calls for attorney-client  
18. privilege.  
19. BY MS. BREMER:  
20. . . . Q. Go ahead. Are you refusing --  
21. MR. PARKER: I am instructing not to  
22. answer.  
23. You can answer that in the general sense.  
24. THE WITNESS: Again, who we may speak to in  
25. any given investigation would be based on that case

**96**

1. and would be done at the advice and direction of  
2. counsel.  
3. BY MS. BREMER:  
4. . . . Q. Okay. I'm going to ask my question again.  
5. If you're not going to answer based on your -- the  
6. instruction of your counsel, you can tell me.  
7. . . . A. Uh-huh.  
8. . . . Q. But I'd like an answer.  
9. Would you talk to the manager who was  
10. involved in setting the pay of an individual  
11. claiming compensation discrimination?  
12. MR. PARKER: Just for the record, she's  
13. answered the question. If it gets more specific,  
14. she cannot answer the question. But she has  
15. answered the question.  
16. THE WITNESS: Depends on the case.  
17. BY MS. BREMER:  
18. . . . Q. In a case involving an allegation of  
19. compensation discrimination, can you think of a case  
20. where your investigators have not talked to the

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

**97**

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

**101:23-117:7**

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

**102**

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

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

**103**

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

**104**

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

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

**105**

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

**106**

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

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

**107**

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

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

**108**

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

**109**

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

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

**110**

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

111

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

112

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

16· counsel.  
17· . . . Q. And so you're not answering for that  
18· reason?  
19· . . . A. I just answered.  
20· . . . Q. Well, that's not an answer to my question,  
21· but --  
22· MR. PARKER: That is the reason she's not  
23· answering.  
24· BY MS. BREMER:  
25· . . . Q. Okay. I just want -- when you say things

**113**

1· were done at the instruction of or at the direction  
2· of counsel, you're saying you're not going to answer  
3· further because you're claiming attorney-client  
4· privilege; is that right?  
5· MR. PARKER: She is not. I am. And I'm  
6· instructing her not to answer.  
7· And you'll follow my instructions, correct?  
8· THE WITNESS: That's correct.  
9· MR. PARKER: All right. Now we're clear.  
10· BY MS. BREMER:  
11· . . . Q. Have you conducted any other training on  
12· how to conduct investigations of complaints?  
13· . . . A. Are you asking if I personally have  
14· conducted training on --  
15· . . . Q. Why don't I ask, does Oracle provide any  
16· other training on how to conduct investigations of  
17· complaints?  
18· . . . A. I don't know.  
19· . . . Q. Have you conducted any training on how to  
20· conduct investigations of complaints?  
21· . . . A. The training -- the only training that I  
22· conduct is the training that we've already  
23· discussed.  
24· MR. PARKER: May I ask a question, just so  
25· we're clear on something?

**114**

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

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

**115**

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

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

**116**

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

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

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

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

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

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

18· . . . A. Not that I could name, no.

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

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

23· . . . Q. And who attends that?

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

**117**

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

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

3· . . . A. It's virtual training.

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

7· . . . A. I don't recall.

**122:15-123:13**

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

17· MS. BREMER: Oh, yeah. Go ahead.

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

**123**

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

**123:14-20**

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

**124:15-126:12**

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

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25 MR. PARKER: Vague and ambiguous.

**125**

1 THE WITNESS: I'm not sure how to answer  
2 that question. That's very abstract.  
3 BY MS. BREMER:  
4 Q. Are there any cases where you or your team  
5 has conducted an investigation of compensation  
6 discrimination and -- well, let me first ask this  
7 question: When you -- after you gather all the  
8 information, conduct an investigation of  
9 compensation discrimination, you've said that you  
10 generally talk to legal.  
11 Do you -- what -- do you make a preliminary  
12 decision or decision or recommendation? What is the  
13 last thing that you do before talking to legal?  
14 A. That depends on the case.  
15 MR. PARKER: It's compound.  
16 BY MS. BREMER:  
17 Q. Is your group -- does your group have the  
18 authority to make any decisions on its own, for  
19 example, not to make an adjustment of pay, without  
20 talking to legal first?  
21 MR. PARKER: Asked and answered.  
22 THE WITNESS: I don't think I can answer  
23 that question. I'm not sure what you're asking me.  
24 MR. PARKER: Let me just try to --  
25 THE WITNESS: You think we already answered

**126**

1 it?  
2 MR. PARKER: I do. Once you finish an  
3 investigation --  
4 THE WITNESS: Uh-huh.  
5 MR. PARKER: -- do you go to legal with the  
6 results and legal decides what steps should be  
7 taken? Or do you independently, in your group, make  
8 the decision as to what steps should be taken as a  
9 result of the investigation?  
10 THE WITNESS: We don't make independent  
11 decisions about what -- generally speaking, we would  
12 not. We would do it in conjunction with legal.

**128:12-21**

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12 Q. Okay. So looking back at Exhibit 96, where  
13 it says that during investigations or after  
14 investigations the results are communicated to the  
15 complaining individual, what -- or how are the  
16 findings of the investigation communicated to the  
17 complaining individual?  
18 A. Again, there's no cookie-cutter answer to  
19 that. It would depend on the case and the  
20 investigator and the lawyer working on that case how  
21 it would be communicated.

**129:17-139:8**

17.. MS. BREMER: Okay. I'd like to mark as  
18.. Exhibit 97 a document entitled "HR Investigations  
19.. Training Handout." It's Bates marked  
20.. ORACLE\_HQCA\_381081 through 97.  
21.. THE WITNESS: So while she's marking that,  
22.. there was one clarification --  
23.. THE VIDEOGRAPHER: You have to hold on so  
24.. she can mark it.  
25.. THE WITNESS: Oh, sorry.

**130**

1.. (Whereupon, Exhibit 97 was marked for  
2.. identification.)  
3.. (Discussion off the record.)  
4.. THE WITNESS: I wanted to clarify a  
5.. question you asked me earlier, and my answer to a  
6.. question you asked me earlier. So you were -- we  
7.. were talking about -- you asked me, I believe,  
8.. something along the lines of where do I -- where do  
9.. we put the interview notes or the information we  
10.. gather in the investigation and I said I don't know.  
11.. So I talked to you about what I do  
12.. specifically.  
13.. BY MS. BREMER:  
14.. . . . Q. Okay. Right.  
15.. . . . A. So what I'd like to add to that answer is,  
16.. as a general rule, HR business partners and the  
17.. people who work on my team are supposed to put their  
18.. investigation files in a particular place, the  
19.. Beehive folder, as we talked about earlier.  
20.. I can't, however, 100 percent guarantee  
21.. that that always happens, but that is our general

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22· practice.

23· . . . Q. Okay. Thank you.

24· . . . A. You're very welcome.

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

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

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

9· . . . Q. Okay. Go ahead and take a look at  
10· Exhibit 97.

11· . . . A. Okay.

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

13· . . . A. Yes.

14· . . . Q. What is it?

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

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

21· . . . A. Not necessarily.

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

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

**132**

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

5· . . . Q. So --

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

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

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

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

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12· Investigation, Exhibit 96?

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

14· . . . Q. Okay.

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

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

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

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

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

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

**133**

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

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

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

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

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

14· . . . A. It's just made-up facts.

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

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

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

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

25· . . . A. Not necessarily.

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

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

**135**

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

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

**136**

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

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

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

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

**139**

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

**139:20-140:10**

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

**140**

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

**140:11-143:16**

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

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

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

**142**

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

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

**143**

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

**143:17-144:4**

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

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

**148:21-162:24**

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

**149**

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

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

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

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

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

**152**

1· . . . A. As far as I know.  
2· . . . Q. Looking at the first email dated March  
3· 31st, 2016, there's an email from Rosanne Park.  
4· . . . A. Uh-huh.  
5· . . . Q. Who was it sent to? Actually, it looks --  
6· . . . A. Looks like she sent it to herself.  
7· . . . Q. And then forwarded it?  
8· . . . A. Oh, maybe.  
9· . . . Q. Forwarded it to Chad Zeller?  
10· . . . A. But this one is sent on March 31st of 2016.  
11· The first -- the next email is September of 2017.  
12· The subject line is the same, with the added  
13· forward.  
14· . . . Q. So in the middle of the second paragraph on  
15· September 1st, 2017, Rosanne Park wrote, "In his  
16· first weeks he directly said he would get his work  
17· done through his network of Indian guys and he also  
18· said that is how Thomas Kurian does it. He says  
19· Thomas just goes through Aria until he finds an  
20· Indian guy and then calls him directly."  
21· Who is Thomas Kurian?  
22· . . . A. Thomas Kurian was the president of Oracle.  
23· He's since left the company.  
24· . . . Q. And what's Aria?  
25· . . . A. Aria is our corporate director of

**153**

1· employees.  
2· . . . Q. Do you know what was done to investigate  
3· this complaint?  
4· . . . A. I do not.  
5· . . . Q. If -- in a situation involving -- or  
6· claiming giving preference to Indians, is -- what  
7· would Oracle's practice be in investigating that  
8· complaint?  
9· . . . A. We don't have a general practice as it  
10· pertains to how we investigate any complaint. We  
11· take all complaints seriously and look into them as

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12· is appropriate.  
13· . . . Q. Do you know who Ajay is that's referenced  
14· in these emails?  
15· . . . A. I don't. I don't even see a last name. I  
16· have no idea.  
17· . . . Q. And what about Srin?  
18· . . . A. No.  
19· . . . Q. Was this complaint investigated by your  
20· group?  
21· . . . A. I don't know.  
22· MS. BREMER: Let me mark as Exhibit 100 a  
23· memorandum dated November 9th, 2017.  
24· (Whereupon, Exhibit 100 was marked for  
25· identification.)

**154**

1· BY MS. BREMER:  
2· . . . Q. Have you seen this document before?  
3· . . . A. Yes.  
4· . . . Q. Is it a true and correct copy of a  
5· memorandum from Mark Lane to Rosanne -- or, yes, to  
6· Rosanne Park dated November 9th, 2017?  
7· . . . A. As far as I know.  
8· . . . Q. Is Mark Lane one of the investigators on  
9· your team?  
10· . . . A. Yes. He is.  
11· . . . Q. And is his title senior employee practices  
12· consultant?  
13· . . . A. His discretionary title, yes.  
14· . . . Q. Did you see this memorandum before it was  
15· sent to Rosanne Park?  
16· . . . A. I don't know.  
17· . . . Q. Is it your practice to review memorandum of  
18· investigation results before they're sent to the  
19· complainants?  
20· . . . A. No.  
21· . . . Q. Who does review memorandum of investigation  
22· results before they're sent to complainants?  
23· . . . A. The legal department.  
24· . . . Q. And do they review all results of  
25· investigations?

**155**

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

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2.. question.  
3.. MR. PARKER: Do they do so as a general  
4.. rule?  
5.. THE WITNESS: As a general rule, like I  
6.. clarified earlier, they would review the results,  
7.. yes, with the investigator. The investigation.  
8.. That’s our general practice.  
9.. BY MS. BREMER:  
10.. . . . Q. So looking at this memorandum, it says, “On  
11.. September 7th, 2017 you contacted human resources to  
12.. report your concerns with your managers.  
13.. Specifically, the concerns you reported including  
14.. concerns that your manager is biased toward Indian  
15.. employees and made inappropriate comments about  
16.. women. You also informed me that you were upset  
17.. that your manager was mentoring one of your  
18.. employees and that this employee may have given  
19.. preferential treatment to Indian candidates.”  
20.. It says, “As a result of your concerns we  
21.. conducted an investigation.”  
22.. Do you know what investigation was  
23.. conducted?  
24.. MR. PARKER: Calls for attorney-client  
25.. privilege. Instruct not to answer.

**156**

1.. Well, you can answer yes or no to the  
2.. question. Do you know what was done?  
3.. THE WITNESS: No, I do not know what was  
4.. done.  
5.. BY MS. BREMER:  
6.. . . . Q. So it states, “The investigation included  
7.. interviews with you on September 20th, 2017 and  
8.. interviews with management and other employees, as  
9.. well as a review of various records, emails and  
10.. files.”  
11.. Do you know what records, emails, and files  
12.. were reviewed?  
13.. . . . A. I do not.  
14.. MR. PARKER: And understand, just so the  
15.. record is clear, even if she did, I would instruct  
16.. her not to answer, asserting privilege.  
17.. BY MS. BREMER:  
18.. . . . Q. And the documentation would be in the

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19· Beehive?

20· . . . A. As a general practice, if the case were

21· closed, that's where it would be, yes.

22· . . . Q. Okay. The third paragraph says, "The

23· results of this investigation revealed no evidence

24· that your manager has bias towards Indian employees

25· or that he made inappropriate comments about women.

**157**

1· Additionally, we found no reason to believe that

2· your manager's mentoring of one of your employees on

3· your team was inappropriate. We also have no

4· evidence" --

5· . . . A. The last sentence --

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

7· candidates."

8· In an investigation of bias, would

9· Ms. Park's statements be considered evidence?

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

11· Vague and ambiguous.

12· THE WITNESS: I don't know.

13· BY MS. BREMER:

14· . . . Q. At the bottom it says, "Let me remind you

15· that the contents of this investigation are

16· confidential, and will be disclosed only to those

17· individuals who have a legitimate business reason to

18· know."

19· Who -- in this investigation, who would

20· receive the results of the investigation?

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

22· this investigation.

23· . . . Q. Okay. So, clearly, Rosanne Park received

24· the results, right?

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

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1· was addressed to her, so I guess we could make the

2· assumption that this was sent to her.

3· . . . Q. Would it be general practice to also send

4· the results of an investigation into bias by a

5· particular manager to the manager?

6· MR. PARKER: Vague and ambiguous as to the

7· term "results," and also, that was asked and

8· answered this morning.

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

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

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

**161**

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

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

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

**163:2-8**

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

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8. . . . A. Not that I'm aware of.

**175:14-176:20**

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

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

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

21. . . . A. We don't set policy.

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

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

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1. . . right?

2. . . . Q. Right.

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

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

9. . . . A. Sure.

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

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

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

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

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

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

**179:2-3**

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

**179:4-22**

4. . . What authority does the -- do the HR

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

**181:9-218:11**

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

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

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

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

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23.. conducted?

24.. MR. PARKER: Instruct not to answer.

25.. Attorney-client privilege.

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

2.. BY MS. BREMER:

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

9.. What information did -- are you aware of --

10.. okay.

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

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

20.. MR. PARKER: Instruct not to answer.

21.. Attorney-client privilege.

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

23.. BY MS. BREMER:

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

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

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

10. . . . A. I am not aware.

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

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

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

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1· BY MS. BREMER:

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

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

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19· identification.)

20· BY MS. BREMER:

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

22· . . . A. Yes, I have.

23· . . . Q. Is this a true and correct copy of the

24· investigation results from Nicole Lurie to Lois

25· Price on or about July 7th, 2017?

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1· . . . A. Yes. As far as I know.

2· . . . Q. And Nicole Lurie is one of the HR

3· investigators in your group?

4· . . . A. That's correct.

5· . . . Q. Did you review this memorandum before it

6· was sent to Lois Price?

7· . . . A. Not that I recall.

8· . . . Q. In the first paragraph it says, "You and I

9· spoke on April 28th, 2017 after I was assigned to

10· look into your concerns. You felt that your base

11· salary was on the low side for senior director

12· position and felt it might be due to your gender.

13· While we didn't know the pay of others -- while you

14· didn't know the pay of others, you shared that you

15· hired Masum Mayana, as a senior director, reporting

16· to you, and that his pay was 25 percent more than

17· yours."

18· What was done to investigate Lois Price's

19· claim of compensation discrimination?

20· MR. PARKER: Objection. Attorney-client

21· privilege. Instruct not to answer.

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

23· MR. PARKER: No.

24· BY MS. BREMER:

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

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1· the investigator would look at Masum Mayana's

2· compensation compared to Lois Price's?

3· MR. PARKER: Same objection. Same

4· instruction.

5· BY MS. BREMER:

6· . . . Q. The second paragraph of the investigation

7· results memo states, "We conducted a thorough

8· investigation of your concerns that included

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

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

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

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

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

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

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

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

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

14.. MR. PARKER: Instruct not to answer.

15.. Attorney-client privilege.

16.. BY MS. BREMER:

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

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

22.. MR. PARKER: Instruct not to answer.

23.. Attorney-client privilege.

24.. BY MS. BREMER:

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

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

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

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16.. foundation.  
17.. BY MS. BREMER:  
18.. . . . Q. If you know.  
19.. . . . A. I don't.  
20.. MS. BREMER: I'll mark as Exhibit 110 an  
21.. email chain between Lisa Hanson and Katrine Haugerud  
22.. between January 27th (verbatim), 2017 and February  
23.. 2nd, 2017.  
24.. (Whereupon, Exhibit 110 was marked for  
25.. identification.)

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1.. BY MS. BREMER:  
2.. . . . Q. Have you seen this document before?  
3.. . . . A. Yes, I have.  
4.. . . . Q. And is it a true and correct copy of the  
5.. email chain between Katrine Haugerud and Lisa Hanson  
6.. between January 26th, 2017 and February 2nd, 2017?  
7.. . . . A. As far as I know.  
8.. . . . Q. On the bottom email it says, "This email is  
9.. to acknowledge the concerns you brought to my  
10.. attention on October 6th, 2016 regarding your  
11.. compensation."  
12.. . . . A. Uh-huh. I see that.  
13.. . . . Q. Do you know, first of all, why the response  
14.. was in an email rather than an investigation results  
15.. memo?  
16.. . . . A. It doesn't have to happen any -- it depends  
17.. on the case. It can happen either way.  
18.. . . . Q. So the form of the investigation results  
19.. can be either email or a memo?  
20.. . . . A. Yes. That's correct.  
21.. . . . Q. Okay. It says that "My review included  
22.. interviews with you and management as well as review  
23.. of relevant documents and information."  
24.. Do you know what documents and information  
25.. was reviewed?

**195**

1.. MR. PARKER: Instruct not to answer.  
2.. Attorney-client privilege.  
3.. THE WITNESS: I can't answer that question.  
4.. BY MS. BREMER:  
5.. . . . Q. Do you know if the review included

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

**196**

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

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

**197**

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

**198**

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

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13· unrelated to gender.”  
14· Are you aware of any additional information  
15· that was provided to Katrine Haugerud regarding what  
16· those legitimate business reasons were?  
17· . . . A. I am not.  
18· MS. BREMER: Okay. I’m going to mark as  
19· Exhibit 111 a document dated February 26th, 2018  
20· from Anna Woods to Asmara Beyene. I don’t know if  
21· I’m pronouncing it correctly.  
22· (Whereupon, Exhibit 111 was marked for  
23· identification.)  
24· BY MS. BREMER:  
25· . . . Q. Have you seen Exhibit 111 before?

**199**

1· . . . A. Yes.  
2· . . . Q. Did you see it in preparation for your  
3· deposition?  
4· . . . A. Yes.  
5· . . . Q. Does it appear to be a true and correct  
6· copy of an email exchange between Anna Woods and  
7· Asmara Beyene between February 22nd, 2018 and  
8· February 26th, 2018?  
9· . . . A. Yeah, as far as I know.  
10· . . . Q. On the email chain at the bottom dated  
11· February 21st, 2018, Asmara Beyene wrote in the  
12· second paragraph, “I have in the past asked my (used  
13· to be) manager, Sharon, on where I stand in salary  
14· range and she said that I am in the lowest zero to  
15· 20 percent of 100. Based on that information, I  
16· would like to know what the range/numbers are  
17· exactly. I would also like to know how to request  
18· adjustment/raise to bring me up to standard.”  
19· Did Oracle conduct an investigation as a  
20· result of this concern being raised?  
21· . . . A. Off the top of my head, I don’t know.  
22· . . . Q. Who is Anna Woods?  
23· . . . A. She’s an HR business partner.  
24· . . . Q. And what -- do you know who she reports to?  
25· . . . A. I’m not sure. She worked there longer than

**200**

1· me. She’s reported to a lot of people.  
2· . . . Q. Do you know what lines --

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3· · · · A. I'd be guessing.

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

6· MR. PARKER: Vague as to time.

7· BY MS. BREMER:

8· · · · Q. In 2018?

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

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

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

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

22· BY MS. BREMER:

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

24· · · · A. Yes.

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

**201**

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

3· · · · A. As far as I know.

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

6· · · · A. I do not.

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

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

18· MR. PARKER: Instruct not to answer.

19· Attorney-client privilege.

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20· BY MS. BREMER:

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

**202**

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

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

7· MR. PARKER: Vague and ambiguous.

8· THE WITNESS: Can you be more specific?

9· BY MS. BREMER:

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

13· MR. PARKER: Vague and ambiguous.

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

16· BY MS. BREMER:

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

21· MR. PARKER: Vague and ambiguous.

22· Compound.

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

25

**203**

1· BY MS. BREMER:

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

4· MR. PARKER: Lacks foundation.

5· THE WITNESS: I have no idea.

6· MR. PARKER: Vague and ambiguous.

7· BY MS. BREMER:

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

9· (Reporter clarification.)

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10· BY MS. BREMER:

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

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

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

**204**

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

5· BY MS. BREMER:

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

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

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

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

19· BY MS. BREMER:

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

23· MR. PARKER: Asked and answered.

24· THE WITNESS: Repeat your question.

25

205

1· BY MS. BREMER:  
2· . . . Q. Have you ever obtained a salary adjustment  
3· for anyone after you conducted an investigation?  
4· . . . A. You're asking about me specifically?  
5· . . . Q. Yes.  
6· . . . A. No.  
7· . . . Q. Has anyone on your team?  
8· . . . A. Off the top of my head, I -- you're asking  
9· if I've ever received approval -- my -- okay. So  
10· now you're confusing me.  
11· MR. PARKER: Has anyone -- has anyone on  
12· your team ever conducted an investigation and  
13· afterward has that person's salary increased?  
14· THE WITNESS: Off the top of my head, I can  
15· remember a case, I believe, that ended up in an  
16· adjustment, but I would have to check. I'm not  
17· 100 percent sure.  
18· MR. PARKER: Was it an HQCA?  
19· THE WITNESS: Oh, gosh. You know what? I  
20· have no idea.  
21· MR. PARKER: Okay.  
22· THE WITNESS: But, again, I can't remember  
23· every single case that we do off the top of my head.  
24· BY MS. BREMER:  
25· . . . Q. Do you recall any other -- any cases by any

206

1· of your HR investigators who report to you that  
2· resulted in a salary adjustment after the  
3· investigation?  
4· MR. PARKER: Asked and answered.  
5· THE WITNESS: That's the question I just  
6· answered.  
7· BY MS. BREMER:  
8· . . . Q. I thought the question you just answered  
9· related to you specifically.  
10· . . . A. Then you asked --  
11· . . . Q. I'm broadening it to --  
12· . . . A. But you already did that.  
13· . . . Q. Okay.  
14· . . . A. We did both.  
15· . . . Q. Okay.  
16· . . . A. So I said no --

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

**207**

1. employee.  
2. . . . Q. And the one time that you recall, when was  
3. that?  
4. . . . A. Oh, gosh. It was sometime between -- it  
5. was maybe sometime between -- it was 2015 to 2018.  
6. Somewhere in there. I don't know exactly when that  
7. was. I don't think it was 2019. It was before  
8. that.  
9. . . . Q. And the questions that we -- that I was  
10. just asking and you were answering related to  
11. salary. So I'm going to ask the same thing with  
12. respect to any other compensation.  
13. Are you aware of any adjustments made to  
14. someone's compensation after an investigation was  
15. completed?  
16. . . . A. You mean other than salary adjustments?  
17. . . . Q. Exactly. Such as equity or bonus or  
18. anything else.  
19. . . . A. Not that I can recall. No.  
20. . . . Q. What is the process to get a salary  
21. adjustment approval following an investigation?  
22. MR. PARKER: Lacks foundation. Calls for  
23. speculation. And there's going to be a bit of  
24. attorney-client privilege, but if you know, is  
25. there -- do you know of a process, yes or no?

**208**

1. THE WITNESS: No, I do not.  
2. (Brief interruption.)  
3. BY MS. BREMER:  
4. . . . Q. In the time that you were aware of when  
5. there was an adjustment after an investigation by  
6. someone on your team, were you involved in that at

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

**209**

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

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24· deposition today?

25· . . . A. Yes, I did.

**210**

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

2· copy of an email from Lisa Hanson to Chinar Kapoor

3· sent on or about December 22nd, 2016?

4· . . . A. As far as I know.

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

6· . . . A. I do not know.

7· . . . Q. So the email says that "You indicated you

8· felt your salary was low because the increments that

9· you have received over the years have not kept up

10· with the market. Given your role and years of

11· experience, you believe some sort of correction

12· adjustment could fix this concern. You mentioned

13· you were curious about the discussions taking place

14· in the valley about gender gap and equal pay for men

15· and women."

16· And then it goes on to say, "Per our

17· discussion on December 15th, 2016, I've looked into

18· your concerns and did not find any evidence that

19· your gender played a role in the decisions that were

20· made with respect to your compensation. The data I

21· reviewed indicates you were being paid consistently

22· with your peers performing similar work."

23· What data was reviewed in connection with

24· this investigation?

25· MR. PARKER: Instruct not to answer.

**211**

1· Attorney-client privilege.

2· BY MS. BREMER:

3· . . . Q. Are you aware of any additional information

4· that was provided to Chinar Kapoor regarding her

5· complaint?

6· . . . A. I am not aware.

7· MS. BREMER: I should have given you this

8· one first, but I'm going to mark as Exhibit 114·a

9· document dated November 1st, 2018 from Chinar Kapoor

10· to Lisa Hanson, and it's actually an email chain

11· with two emails between those two people.

12· (Whereupon, Exhibit 114 was marked for

13· identification.)

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14· BY MS. BREMER:

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

16· . . . A. Yes.

17· . . . Q. And did you review it in connection with  
18· your deposition?

19· . . . A. Yes.

20· . . . Q. Does it appear to be a true and correct  
21· email chain between Lisa Hanson and Chinar Kapoor on  
22· November 1st, 2018?

23· . . . A. As far as I know.

24· . . . Q. Is it your understanding that this is the  
25· email that resulted in the closure email that's

**212**

1· Exhibit 113?

2· . . . A. Well, I don't know that to be true or not  
3· true, but the dates don't seem to line up.

4· The 12/22 note says that she brought the  
5· concerns to Lisa's attention on October 13th. This  
6· email is dated November 1st.

7· . . . Q. Oh, you're right.

8· . . . A. So I don't know -- oh, this is 2016 even.  
9· This is a different year entirely.

10· . . . Q. Right. Okay.

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

12· Okay.

13· . . . Q. Okay. So the --

14· . . . A. We're in 2018 now.

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

16· . . . A. Okay.

17· . . . Q. -- Exhibit --

18· . . . A. 114.

19· . . . Q. -- 114.

20· . . . A. Okay.

21· . . . Q. Try not to talk over me.

22· . . . A. So sorry.

23· . . . Q. Okay. So in 2016, Chinar Kapoor raised  
24· issues regarding whether gender played a role in  
25· compensation decisions, and this is the closure memo

**213**

1· which is 113, correct?

2· . . . A. Exhibit 113 does appear to be a closure,  
3· based on the subject, to Chinar from Lisa about the

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4· concerns she raised in October of 2016.  
5· . . . Q. Okay. And then in November of 2018 Chinar  
6· Kapoor raised questions concerning compensation in  
7· her organization in an email to Lisa Hanson, right?  
8· . . . A. That’s what I read, yes.  
9· . . . Q. So then I’m going to mark as Exhibit 115 a  
10· memorandum dated February 26th, 2019 from Michelle  
11· Nofer to Chinar Kapoor.  
12· (Whereupon, Exhibit 115 was marked for  
13· identification.)  
14· BY MS. BREMER:  
15· . . . Q. Have you seen this document before?  
16· . . . A. Yes, I have.  
17· . . . Q. Who is Michelle Nofer?  
18· . . . A. She’s an HR investigator. She works for  
19· me.  
20· . . . Q. And is this a true and correct copy of a  
21· confirmation of closure/results of HR investigation  
22· by Michelle Nofer sent to Chinar Kapoor on or about  
23· February 26th, 2019?  
24· . . . A. As far as I know.  
25· . . . Q. It states at the beginning, “This is a

**214**

1· written confirmation of our conversation Friday,  
2· February 15th during which I provided you with the  
3· results of the investigation conducted by Human  
4· Resources into concerns you raised regarding your  
5· compensation. Specifically, you expressed concerns  
6· that you are not being paid fairly and that your  
7· male peers may be earning more than you.”  
8· Do you have any further information about  
9· the conversation described as taking place February  
10· 15th?  
11· . . . A. I do not.  
12· . . . Q. The second paragraph says, “We conducted a  
13· thorough investigation of your concerns that  
14· included a review of data, including compensation  
15· information for you and others, interviews with you  
16· and other employees, as well as a review of various  
17· records, emails and files, including any information  
18· and documentation you have provided relevant to this  
19· investigation.”  
20· What specifically was reviewed as part of

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21· the investigation?

22· MR. PARKER: Instruct not to answer.

23· Attorney-client privilege.

24· BY MS. BREMER:

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

**215**

1· evidence gathered, the investigation revealed that

2· you are paid comparably to the majority of your

3· peers who perform substantially similar work. We

4· found no evidence that gender or any other protected

5· characteristic was a factor in the determination of

6· your compensation or that of others.”

7· Are you aware of any other information

8· provided to Chinar Kapoor as a result of her

9· complaint in the investigation?

10· . . . A. I am not aware.

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

12· Oracle that resulted in a finding that there was

13· compensation discrimination?

14· MR. PARKER: Sorry. Hold on.

15· BY MS. BREMER:

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

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

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

19· BY MS. BREMER:

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

21· by your group --

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

23· is divorced of Exhibit 115?

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

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

**216**

1· evidence that gender or any other protected

2· characteristic was a factor in the determination of

3· your compensation or that of others.”

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

5· investigation by her group that did find gender

6· discrimination in compensation.

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

8· attorney-client privilege.

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

10· results of the investigation.

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

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12· are you saying something that was communicated to an  
13· employee? Because if you don't have that, then it  
14· would definitely be protected by attorney-client  
15· privilege.  
16· BY MS. BREMER:  
17· . . . Q. Okay. Are you aware of any results of an  
18· HR investigation that communicated to an employee  
19· that found compensation discrimination?  
20· MR. PARKER: Is this for HQ and HCA?  
21· MS. BREMER: Yes.  
22· (Reporter clarification.)  
23· MR. PARKER: This is for HQ and HCA.  
24· Do you have the question in mind?  
25· THE WITNESS: Okay. So you ask -- do I

**217**

1· understand your question to be, am I aware of any  
2· results being communicated to an employee that we  
3· found discrimination -- pay discrimination --  
4· discrimination in pay?  
5· BY MS. BREMER:  
6· . . . Q. Yes.  
7· . . . A. I am not aware.  
8· . . . Q. Are you aware of any investigation results  
9· by the HR business partners that found pay  
10· discrimination and were communicated to the  
11· employee?  
12· . . . A. I can't answer that question as stated.  
13· . . . Q. Are you aware of any results of an  
14· investigation by the HR business partners concerning  
15· an employee at headquarters that found  
16· discrimination, pay discrimination?  
17· . . . A. I'm --  
18· MR. PARKER: As phrased --  
19· THE WITNESS: I can't answer that question.  
20· MR. PARKER: -- that would call for  
21· attorney-client privilege.  
22· And I don't understand why -- I don't  
23· understand why she's saying she can't answer the  
24· question. So do you mind if I take a break? I  
25· don't care what the answer is.

**218**

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

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

**226:7-228:2**

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

**227**

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

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

**228**

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

**233:22-25**

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

**238:2-8**

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

**238:23-239:25**

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

**239**

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

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

**243:1-5**

1· business conduct you were talking about that is  
2· attached to the employee handbook?  
3· A. I believe so. We only have one code of  
4· conduct as far as I know. This copy is really hard  
5· to read. Sorry.



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**11:24-12:13**

24. . . . Q. ·I'm going to show you what's previously  
25. ·been marked as Exhibit 65.

**12**

1. . . . . (Previously marked Deposition Exhibit 65  
2. . . . . was referenced herein.)  
3. . . . . MR. MULLAN:· Q.· Mr. Kidder, have you seen  
4. ·this document before?  
5. . . . A.· I have.  
6. . . . Q.· And if you look to page 2 of this  
7. ·document, which is the deposition notice, you'll  
8. ·see the topic described as Topic 26.  
9. . . . . Do you see that?  
10. . . . A.· Yes.  
11. . . . Q.· Do you understand that you are here today  
12. ·testifying as to Topic 26?  
13. . . . A.· Yes, I do.

**12:14-18**

14. . . . . MS. PERRY: I am just going to object on  
15. ·the basis that Oracle served objections to this  
16. ·deposition notice, and Mr. Kidder is being produced  
17. ·here today to testify about Topic 26 as reflected in  
18. ·those objections.

**12:19-13:23**

19. . . . . MR. MULLAN:· Q.· Mr. Kidder, what is your  
20. ·current job title?  
21. . . . A.· I'm the director of Talent Advisory, North  
22. ·America Product Development, all except Oracle Cloud  
23. ·Infrastructure.  
24. . . . Q.· And how long have you held that position?  
25. . . . A.· It's approximately two years and seven

**13**

1. ·months.  
2. . . . Q.· Have you held other positions at Oracle?  
3. . . . A.· Yes, I have.  
4. . . . Q.· Maybe, if you can, just go through your  
5. ·job history at Oracle.  
6. . . . . MS. PERRY:· Object.· Vague; overbroad.  
7. . . . . Go ahead.

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8. . . . . THE WITNESS: Prior to -- prior to being a  
9. director, I was a senior manager in a comparable  
10. role. I did that for approximately a year and three  
11. months.  
12. . . . . Prior to that, I was a recruiting manager  
13. for approximately two years and four months.  
14. . . . . And prior to that, I was a -- an executive  
15. recruiter for approximately seven months.  
16. . . . . Prior to that, I was an interim recruiting  
17. manager for approximately seven months.  
18. . . . . Prior to that, I was a senior recruiter  
19. for approximately --  
20. . . . . (Clarification requested by the reporter.)  
21. . . . . THE WITNESS: Prior to that, I was a  
22. senior recruiter for approximately four years and  
23. seven months.

**14:7-15**

7. . . . Q. Okay. Going back to your current  
8. position, director of Talent Advisory North America,  
9. can you describe your job responsibilities in that  
10. time -- in that position?  
11. . . . A. Yes. So I'm responsible for managing the  
12. recruiting team for U.S. and Canada, for filling  
13. open positions within the company directly related  
14. to product development, in other words, software  
15. development.

**16:3-6**

3. . . . Q. What is the difference between a recruiter  
4. and a talent advisor?  
5. . . . A. There is no difference. It's an internal  
6. term.

**16:7-8**

7. . . . Q. How would you describe the essential  
8. functions of a recruiter's position?

**16:14-22**

14. . . . . THE WITNESS: So a recruiter at Oracle is  
15. responsible for gathering the job requirements for a  
16. particular open position; engaging with the hiring  
17. manager for that position; determining various types  
18. of technical requirements; going out to the

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19· marketplace to contact candidates; prescreening  
20· those candidates; submitting those candidates to  
21· said hiring manager; and then assisting with any  
22· further steps necessary in the process.

**17:5-24**

5· . . . . . MR. MULLAN:· Q· Who was your predecessor  
6· in your current role?  
7· . . . . . MS. PERRY:· Object· Vague and ambiguous;  
8· lacks foundation.  
9· . . . . . THE WITNESS:· Shane Driggers.  
10· . . . . . MR. MULLAN:· Q· And to the extent you  
11· know, did Mr. Driggers have the same job  
12· responsibilities as you currently have?  
13· . . . . . MS. PERRY:· Object to form· Vague;  
14· ambiguous; overbroad; lacks foundation; calls for  
15· speculation.  
16· . . . . . MR. MULLAN:· Q· You can answer.  
17· . . . A· Yes, it was comparable.  
18· . . . Q· And how long did Mr. Driggers hold that  
19· position?  
20· . . . . . MS. PERRY:· Object to form· Vague;  
21· ambiguous; overbroad; lacks foundation; calls for  
22· speculation.  
23· . . . . . THE WITNESS:· I'm uncertain as to the  
24· dates.

**19:22-22:24**

22· . . . . . MR. MULLAN:· Q· Mr. Kidder, are you  
23· familiar with Oracle's iRecruitment Job Offer Form?  
24· . . . A· Yes, I am.  
25· . . . Q· The document that you were just handed,

**20**

1· Exhibit 68, if you flip to page 9, beginning on that  
2· page, is that screenshots of the iRecruitment Offer  
3· Form?  
4· . . . A· Yes.  
5· . . . . . MS. PERRY:· Object to form· Vague and  
6· ambiguous as to time.  
7· . . . . . THE WITNESS:· Yes, it is.  
8· . . . . . MR. MULLAN:· Q· Your counsel raises a  
9· good point.  
10· . . . . . Is this the existing Oracle iRecruitment

11· Offer Form?  
12· . . . . And I just note that if you look at the  
13· bottom of the screenshots, you'll see it says  
14· "Copyright...2014," if that helps refresh your  
15· recollection.  
16· . . . A· This form is a dated one.  
17· . . . Q· Do you know when this form was in effect?  
18· . . . A· I do not.  
19· . . . Q· Does Talent Acquisition use the – the  
20· iRecruitment form?  
21· . . . A· No, Talent Acquisition does not use the  
22· iRecruitment form.  
23· . . . Q· Do you know who does use it?  
24· . . . A· Typically, it would be used by hiring  
25· managers.

**21**

1· . . . Q· But you've seen this form before?  
2· . . . A· Yes.  
3· . . . Q· If you flip to internal page 12, I just  
4· want to focus you on the upper-right corner.  
5· . . . A· Okay.  
6· . . . Q· You'll see the second field on, it asks  
7· for "Candidate's Current Salary/ATV."  
8· . . . . Do you see that?  
9· . . . A· Yes.  
10· . . . Q· Firstly, do you know what "ATV" stands  
11· for?  
12· . . . A· No, I do not.  
13· . . . Q· So is this asking for a job offer  
14· candidate's prior salary at the company they're  
15· coming from?  
16· . . . . MS. PERRY: Object to form. Vague;  
17· ambiguous; overbroad.  
18· . . . . THE WITNESS: It appears to be, yes.  
19· . . . . MR. MULLAN: Q· Does this refresh your  
20· recollection in any way as to when this form was in  
21· effect?  
22· . . . A· Yes, it does.  
23· . . . Q· And how so?  
24· . . . A· There was a time when this was a field  
25· within the iRecruitment offer template.

**22**

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1. . . . Q. . Do you know when it stopped being a field  
2. . within the iRecruitment offer template?  
3. . . . A. . Approximately fall of 2017.  
4. . . . Q. . Was this form completed by the hiring  
5. . manager?  
6. . . . . MS. PERRY: . Object to form. . Vague;  
7. . ambiguous; overbroad; calls for speculation.  
8. . . . . Go ahead.  
9. . . . . THE WITNESS: . Yes, it was.  
10. . . . . MR. MULLAN: . Q. . So in this field the  
11. . hiring manager would enter the candidate's prior  
12. . salary?  
13. . . . . MS. PERRY: . Object to form. . Vague;  
14. . ambiguous; overbroad; lacks foundation; calls for  
15. . speculation.  
16. . . . . THE WITNESS: . I would not be able to speak  
17. . intelligently on what each hiring manager entered  
18. . into that field.  
19. . . . . MR. MULLAN: . Q. . But that's what is  
20. . supposed to be entered into that field; correct?  
21. . . . . MS. PERRY: . Object to form. . Vague;  
22. . ambiguous; overbroad.  
23. . . . . THE WITNESS: . That's -- that appears to be  
24. . the case.

**23:17-24:2**

17. . . . . MR. MULLAN: . Q. . So this form indicates  
18. . that at least from 2014 through the fall of 2017, I  
19. . believe you said, prior pay information was  
20. . collected in the iRecruitment Job Offer Form; is  
21. . that correct?  
22. . . . . MS. PERRY: . Object to form. . Vague;  
23. . ambiguous; overbroad; lacks foundation.  
24. . . . . THE WITNESS: . Again, I would not be able  
25. . to speak intelligently on data that was collected

**24**

1. . into these forms as I do not use them myself, nor  
2. . does my recruiting team.

**29:25-31:13**

25. . . . . MR. MULLAN: . Q. . Do you know why Oracle

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1· ·sought prior compensation information?  
2· · . . . . .MS. PERRY:· Object to form.· Vague;  
3· ·ambiguous; overbroad.  
4· · . . . . .THE WITNESS:· Based on my own experience,  
5· ·it was to determine if a hiring manager had the  
6· ·necessary budget in which to pay a candidate.  
7· · . . . . .MR. MULLAN:· Q.· And that's because prior  
8· ·compensation was a factor in setting initial  
9· ·compensation?  
10· · . . . . .MS. PERRY:· Object to form.· Vague;  
11· ·ambiguous; overbroad; lacks foundation; calls for  
12· ·speculation.  
13· · . . . . .Go ahead.  
14· · . . . . .THE WITNESS:· I wouldn't be able to answer  
15· ·that on behalf of any hiring managers.  
16· · . . . . .MR. MULLAN:· Q.· So just so I understand,  
17· ·you -- your understanding is that prior compensation  
18· ·was collected in order to -- for the hiring manager  
19· ·to determine whether they had the budget to make an  
20· ·offer to that candidate; is that correct?  
21· · . . . . .MS. PERRY:· Object to form.· Vague;  
22· ·ambiguous; overbroad; misstates testimony.  
23· · . . . . .Go ahead.  
24· · . . . . .THE WITNESS:· It is my understanding that  
25· ·is one of the reasons why.

**31**

1· · . . . . .MR. MULLAN:· Q.· Okay.· And so prior  
2· ·compensation was related to a hiring manager's  
3· ·budget in what way?  
4· · . . . A.· ·I wouldn't be able to speak intelligently  
5· ·on the budgets of hiring managers at Oracle.  
6· · . . . Q.· ·Okay.· But you just said that it was  
7· ·related to their budgets, the collecting of that  
8· ·information.  
9· · . . . . .So I'm just trying to understand why it  
10· ·was related to the budget.  
11· · . . . A.· ·So, presumably, if a candidate was paid  
12· ·more than what a hiring manager could afford, they  
13· ·would likely not be able to hire them.

**31:14-32:4**

14· · . . . Q.· ·And that's because prior compensation was

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15· a factor in what the initial compensation would be  
16· for that candidate; correct?  
17· . . . . . MS. PERRY:· Object to form.· Vague;  
18· ambiguous; overbroad; lacks foundation; calls for  
19· speculation.  
20· . . . . . THE WITNESS:· Again, that's a bit  
21· speculative.  
22· . . . . . MR. MULLAN:· Q.· Well, what other reason  
23· would it be related to the hiring manager's budget?  
24· . . . . . MS. PERRY:· Same objections.  
25· . . . . . THE WITNESS:· I wouldn't be able to answer

**32**

1· that intelligently.  
2· . . . . . MR. MULLAN:· Q.· Do you know if this  
3· particular form, the Candidate Offer Information  
4· Form, was filled out by the hiring manager?

**32:9-16**

9· . . . . . THE WITNESS:· No, I do not know.  
10· . . . . . MR. MULLAN:· Q.· When you were a  
11· recruiter, did you complete Candidate Offer  
12· Information Forms?  
13· . . . . A.· No, I did not.  
14· . . . . Q.· Did you complete iRecruitment Job Offer  
15· Forms?  
16· . . . . A.· No, I did not.

**32:17-34:21**

17· . . . . Q.· I'm going to hand you what's been  
18· previously marked as Exhibit 57.  
19· . . . . . (Previously marked Deposition Exhibit 57  
20· . . . . . was referenced herein.)  
21· . . . . . MR. MULLAN:· Q.· And take as much time as  
22· you need to review that document, Mr. Kidder.  
23· . . . . A.· Okay.  
24· . . . . Q.· Firstly, let me ask you, have you seen  
25· this document before?

**33**

1· . . . . A.· Yes, I have.  
2· . . . . Q.· And what is it?  
3· . . . . A.· It is an e-mail regarding pay equity FAQ  
4· and company policy.

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5. . . . Q. . . And what is the subject matter of the  
6. . document?  
7. . . . A. . . The subject matter is regarding candidate  
8. . prior salary history.  
9. . . . Q. . . Okay. . And it states in the top left-hand  
10. . corner, "Effective October 31, 2017..."  
11. . . . . Do you see that?  
12. . . . A. . . Yes, I do.  
13. . . . Q. . . Is this referring to what you mentioned  
14. . earlier as changes in the fall of 2017 pertaining to  
15. . collecting prior compensation information?  
16. . . . A. . . Yes, it does.  
17. . . . Q. . . And what were the changes that went into  
18. . effect in October 2017?  
19. . . . A. . . In October 2017 no one within the company  
20. . was to ask any candidate for employment about their  
21. . current or prior salary history information.  
22. . . . Q. . . And you'll see in the first column on that  
23. . page underneath the heading "Introduction," it  
24. . states:  
25. . . . . "As you may be aware, several US states

**34**

1. . . . . and local municipalities recently passed  
2. . . . . equal pay laws that aim to prevent gender  
3. . . . . discrimination and salary inequity by  
4. . . . . banning questions regarding salary history  
5. . . . . during the hiring process."  
6. . . . . Do you see that?  
7. . . . A. . . Yes, I do.  
8. . . . Q. . . And then dropping down to the next  
9. . paragraph, the second sentence, it states:  
10. . . . . "To ensure Oracle is compliant with these  
11. . . . . laws, Oracle removed the current salary  
12. . . . . field from the iRecruitment Job Offer  
13. . . . . Form; and will prohibit questions  
14. . . . . regarding salary history during the hiring  
15. . . . . process for all US locations effective  
16. . . . . October 31, 2017."  
17. . . . . Do you see that?  
18. . . . A. . . Yes, I do.  
19. . . . Q. . . And so that's your understanding of when  
20. . these changes went into effect; is that correct?  
21. . . . A. . . Yes, it is.

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**34:22-24**

22. . . . Q. .So is it fair to say that prior to  
23. .October 31, 2017, Oracle collected salary  
24. .information from applicants for positions at Oracle?

**35:3-5**

3. . . . . THE WITNESS: .Prior to October 31st,  
4. .2017, Oracle employees were permitted to ask these  
5. .questions.

**37:10-39:13**

10. . . . . MR. MULLAN: .Q. .Did you attend any  
11. .training sessions regarding these October 2017  
12. .changes?  
13. . . . A. .No, I did not.  
14. . . . . E-mails were sent out, and we did discuss  
15. .these things verbally.  
16. . . . Q. .Who -- who is "we" in your response?  
17. . . . A. .This would be the Oracle Recruiting  
18. .Management Team.  
19. . . . Q. .And who's included in the Oracle  
20. .Recruiting Management Team?  
21. . . . A. .That would be myself, Colleen Varana,  
22. .Amanda Gill, Lucas Jaramillo, Jessica Lloyd,  
23. .Shayne Libby, Marianna Gurovich, and Greg Freed.  
24. . . . Q. .Okay. .Who is Amanda Gill?  
25. . . . A. .Amanda Gill is my boss's boss.

**38**

1. . . . Q. .And what is her job title?  
2. . . . A. .She is the vice president of Talent  
3. .Advisory, North America.  
4. . . . Q. .And who is Lucas Jaramillo?  
5. . . . A. .Lucas Jaramillo is the senior manager,  
6. .Talent Advisory, Oracle Cloud Infrastructure.  
7. . . . Q. .And Jessica Lloyd?  
8. . . . A. .Jessica Lloyd is the director, Talent  
9. .Advisory Sales.  
10. . . . Q. .And Shayne Libby?  
11. . . . A. .Shayne Libby is the senior manager, Talent  
12. .Advisory Sales.  
13. . . . Q. .I believe you said Marianna Gurovich.

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14. . . . A. . Yes, Gurovich. She is the senior manager,  
15. Oracle Talent Advisory, Sales and Global Business  
16. Unit.

17. . . . Q. . And lastly I believe you said Greg Freed.

18. . . . A. . Yes. Greg Freed is the senior manager,  
19. Oracle Talent Advisory Net Suite.

20. . . . Q. . And what did you discuss in these  
21. conversations with this group?

22. . . . A. . So –

23. . . . . MS. PERRY: Object to form. Vague;  
24. ambiguous; overbroad.

25. . . . . Go ahead.

**39**

1. . . . . THE WITNESS: -- within the meetings, we  
2. discussed that no one within the company was to  
3. continue to ask prior salary information or history.

4. . . . . MR. MULLAN: Q. Did you discuss how you  
5. were going to get that message out to everybody who  
6. needed to know?

7. . . . A. . Yes, we did.

8. . . . Q. . And what did you decide to do to get that  
9. message out?

10. . . . A. . We followed up with these e-mails that  
11. were sent out regarding the subject.

12. . . . . Additionally, we discussed them on staff  
13. calls with our recruiting teams.

**40:3-43:25**

3. . . . . MR. MULLAN: Q. Mr. Kidder, I'm going to  
4. hand you what's been previously marked as  
5. Exhibit 66.

6. . . . A. . Okay.

7. . . . . (Previously marked Deposition Exhibit 66  
8. . . . . was referenced herein.)

9. . . . . MR. MULLAN: Q. Take as much time as you  
10. need to review that document.

11. . . . A. . Okay.

12. . . . Q. . Do you recognize this document?

13. . . . A. . I -- I do not.

14. . . . Q. . In the header of the e-mail -- it

15. appears to be an e-mail -- from recruiting-

16. announcements@oracle.com to Claudia Funie, it

17. states, "Compensation Collection Tool Changes."

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18. . . . . Do you see that?  
19. . . . A. . Yes, I do.  
20. . . . Q. . Dated November 8th, 2017; correct?  
21. . . . A. . Yes.  
22. . . . Q. . What is the "Compensation Collection  
23. . Tool"?  
24. . . . A. . The Compensation Collection Tool is a  
25. . portal used by recruiters to collect certain types

**41**

1. . of compensation information in order to gain some  
2. . market knowledge as to what various types of  
3. . positions are paying out in the marketplace and  
4. . what candidates are asking for in order to be  
5. . employed.  
6. . . . Q. . So when you say "collect this  
7. . information," are you referring to collecting the  
8. . information from candidates for Oracle positions?  
9. . . . A. . Yes, that would be correct.  
10. . . . Q. . Do you use -- use this tool?  
11. . . . A. . I do not.  
12. . . . Q. . Do people within Talent Advisory use this  
13. . tool?  
14. . . . A. . They do.  
15. . . . Q. . Do they hire -- did they use it in the  
16. . hiring process?  
17. . . . . MS. PERRY: . Object to form. . Vague;  
18. . ambiguous; overbroad.  
19. . . . . THE WITNESS: . I wouldn't be able to speak  
20. . intelligently on that.  
21. . . . . MR. MULLAN: . Q. . But it's -- it's used to  
22. . collect information from Oracle job applicants;  
23. . correct?  
24. . . . A. . Yes, Oracle job applicants and prospective  
25. . applicants.

**42**

1. . . . Q. . What's the difference between a job  
2. . applicant and a prospective applicant?  
3. . . . A. . So a prospective applicant is a person  
4. . that a recruiter might be speaking to who has not  
5. . formally applied or been considered for a position  
6. . with the company.  
7. . . . . And an applicant is someone who has

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8· formally applied and is now into the interview  
9· pipeline.  
10· . . . Q· Okay· So in this e-mail announcement  
11· around the fall of 2017, specifically November 8th,  
12· 2017, it states:  
13· . . . . ."All compensation fields such as: Base  
14· . . . . Salary, Hourly Wage, Annual ATV/Bonus will  
15· . . . . no longer be mandatory, in order to comply  
16· . . . . with the latest changes in the US work  
17· . . . . legislation."  
18· . . . . Do you see that?  
19· . . . A· Yes, I see the verbiage.  
20· . . . Q· And do you agree that it was no longer  
21· mandatory to collect that information after  
22· November 8th, 2017?  
23· . . . . MS. PERRY: Object to form· Vague;  
24· ambiguous; overbroad; lacks foundation.  
25· . . . . THE WITNESS: I see -- I see the verbiage.

**43**

1· . . . . However, in the Compensation Tool, in  
2· order to enter a record, base salary, hourly wage,  
3· annual ATV, and bonus were not necessary.  
4· . . . . MR. MULLAN: Q· They were not necessary  
5· in the Compensation Collection Tool; is that  
6· correct?  
7· . . . A· That is correct.  
8· . . . Q· So this is not correct when it says it's  
9· no longer mandatory?  
10· . . . . MS. PERRY: Object to form· Vague and  
11· ambiguous.  
12· . . . . THE WITNESS: Again, I -- I do not use the  
13· Compensation Tool myself.  
14· . . . . I would have to rely on what my  
15· recruiters have relayed back to me, which is that  
16· a record can be created with -- prior to -- prior  
17· to November 8th, 2017, a record could be created  
18· with a candidate's requested compensation and some  
19· other details.  
20· . . . . Current compensation was not necessary as  
21· far as I'm aware.  
22· . . . . MR. MULLAN: Q· But you agree that's what  
23· this states, that it was mandatory?  
24· . . . . MS. PERRY: Object to form· The document

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25· speaks for itself.

**44:1-15**

1· . . . . THE WITNESS: I can see the verbiage here.  
2· . . . . However, again, it -- it doesn't  
3· necessarily reflect on what was relayed back to me  
4· by people who use the tool daily.  
5· . . . . MR. MULLAN: Q. Is that possibly because  
6· you don't understand how the tool was used, or it's  
7· your understanding that it was not mandatory?  
8· . . . . I'm just trying to understand.  
9· . . . . MS. PERRY: Object to form; also, to the  
10· extent it's argumentative.  
11· . . . . Go ahead.  
12· . . . . THE WITNESS: My understanding of the  
13· Compensation Tool was that the base salary, hourly  
14· wage, annual ATV, and bonus were not mandatory in  
15· order to comply -- in order to create a record. I'm

**48:15-49:17**

15· . . . Q. Okay. I'm going to hand you what has been  
16· previously marked as Exhibit 72.  
17· . . . . (Previously marked Deposition Exhibit 72  
18· . . . . was referenced herein.)  
19· . . . . MR. MULLAN: Q. And take as much time as  
20· you need to review that document. Just let me know  
21· when you're ready.  
22· . . . A. Okay.  
23· . . . Q. Okay. Have you seen this document before?  
24· . . . A. Yes, I have.  
25· . . . Q. And what is it?

**49**

1· . . . A. So it is a change to U.S. hiring process  
2· that was sent out to everyone within the Human  
3· Resources Department and eventually all U.S.  
4· managers.  
5· . . . Q. And it's dated October 27th, 2017. Do you  
6· see that?  
7· . . . A. I do.  
8· . . . Q. And so the change it's referring to is the  
9· change in what exactly?  
10· . . . A. There are a few changes noted here, one

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11. ·of which was that the -- the current salary field  
12. ·within the iRecruitment Form was removed and,  
13. ·additionally, managers and other -- acting as  
14. ·agents of the company, including talent advisors  
15. ·or recruiters, are to discontinue asking any  
16. ·information about current compensation at that  
17. ·time.

**52:19--54:10**

19. · · Q. ·I'm handing you what's been marked as  
20. ·Exhibit 73 -- previously marked as Exhibit 73.  
21. · · · · · (Previously marked Deposition Exhibit 73  
22. · · · · · was referenced herein.)  
23. · · · · · MR. MULLAN:· Q.· And just let me know when  
24. ·you're ready.  
25. · · · A.· Okay.

**53**

1. · · · Q. ·So, firstly, do you recognize the document  
2. ·that's been marked as Exhibit 73?  
3. · · · A.· I do.  
4. · · · Q. ·And what is it?  
5. · · · A.· In this was a slide deck from a training  
6. ·session regarding pay equity laws.  
7. · · · Q. ·And specifically the pay equity laws that  
8. ·we've been discussing all morning and the changes in  
9. ·policies as a result of those pay equity laws,  
10. ·beginning in October of 2017; is that correct?  
11. · · · · · MS. PERRY:· Object to form.· Vague;  
12. ·ambiguous; also to the extent it lacks foundation  
13. ·and misstates prior testimony.  
14. · · · · · Go ahead.  
15. · · · · · THE WITNESS:· I recognize that this is the  
16. ·subject we're discussing today.  
17. · · · · · MR. MULLAN:· Q.· Did you have a role in  
18. ·creating this document?  
19. · · · A.· No, I did not.  
20. · · · Q. ·And who received this training?  
21. · · · A.· This would have gone out to -- let me back  
22. ·up.  
23. · · · · · I wouldn't be able to tell you  
24. ·intelligently of everyone who received it, though  
25. ·anyone within the Human Resources umbrella would

54

1· ·have, including talent advisor, and any hiring  
2· ·manager would have received it as well.  
3· · · · Q· ·Okay· And it is a PowerPoint  
4· ·presentation; is that right?  
5· · · · A· ·Yes, that's correct.  
6· · · · Q· ·Okay· And how were these trainings  
7· ·conducted? Were they through webinar-type things,  
8· ·or were they in person?  
9· · · · A· ·These would be done through a Webex or a  
10· ·Zoom webinar.

55:17-58:3

17· · · · · · MR. MULLAN:· Q· I am going to hand you  
18· ·what's been previously marked as Exhibit 67.  
19· · · · · · (Previously marked Deposition Exhibit 67  
20· · · · · · was referenced herein.)  
21· · · · · · MS. PERRY:· Thanks.  
22· · · · · · MR. MULLAN:· Q· Just let me know when  
23· ·you're ready.  
24· · · · A· ·Okay.  
25· · · · Q· ·Okay· Do you recognize what's been marked

56

1· ·as Exhibit 67?  
2· · · · A· ·I do.  
3· · · · Q· ·I understand it's similar to the prior  
4· ·doc- -- exhibit we just looked at.  
5· · · · · · But can you tell me what this document  
6· ·is?  
7· · · · A· ·It's a training document provided to  
8· ·hiring managers on how to manage the relationship  
9· ·with their human resources business partner and  
10· ·their Oracle talent advisor during the recruiting  
11· ·and hiring process.  
12· · · · Q· ·So it's specifically directed at hiring  
13· ·managers?  
14· · · · A· ·Yes, that's correct.  
15· · · · Q· ·And it dates from around the same time  
16· ·period, October 2017; is that correct?  
17· · · · A· ·It --  
18· · · · Q· ·And if you look at page 2 of the document,

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19· ·that might refresh your recollection.  
20· · · · A· ·Yes, it does.  
21· · · · Q· ·Did you have a role in creating this  
22· ·document?  
23· · · · A· ·No, I did not.  
24· · · · Q· ·And similar to the prior exhibit, if you  
25· ·flip to page -31024, you'll see a slide with the

**57**

1· ·heading (as read), "Candidate Salary Questions -  
2· ·What You Can and Can't Say."  
3· · · · · ·Do you see that?  
4· · · · A· ·I do.  
5· · · · Q· ·Firstly, who is the "you" it's referring  
6· ·to here? Is that the hiring manager?  
7· · · · A· ·This would be anyone that this was  
8· ·directed to, which would be a hiring manager, a  
9· ·talent advisor, or a human resources business  
10· ·partner.  
11· · · · Q· ·And so, again, it's saying under --  
12· ·under the column, "What you used to say," "What is  
13· ·your current salary?"  
14· · · · · ·Do you see that?  
15· · · · A· ·I do.  
16· · · · Q· ·So it's telling them that they can no  
17· ·longer say that; is that correct?  
18· · · · · ·MS. PERRY:· Object to form.· Vague;  
19· ·ambiguous; overbroad.  
20· · · · · ·Go ahead.  
21· · · · · ·THE WITNESS:· Yeah, it appears to be  
22· ·saying that.  
23· · · · · ·MR. MULLAN:· Q· Is it your understanding  
24· ·that following the changes in October 2017, talent  
25· ·advisors no longer ask about current salary?

**58**

1· · · · A· ·At this point, following the change in  
2· ·legislation and company policy, talent advisors no  
3· ·longer ask about salary -- current salary.

**59:15-60:1**

15· · · · Q· ·So the New Hire Justification Forms at  
16· ·least prior to October 2017 contained a field for  
17· ·current salary information; is that fair to say?

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18. . . . A. . . Yes, it is fair to say.  
19. . . . Q. . . Do you know when that changed?  
20. . . . A. . . I believe it changed permanently around  
21. . the time of the -- the new company policy in October  
22. . of '17.  
23. . . . Q. . . And was that field contained in the New  
24. . Hire Justification Form going back as far as 2013?  
25. . . . A. . . Yes, I believe it was.

**60**

1. . . . Q. . . And was that field mandatory?

**60:4-10**

4. . . . . THE WITNESS: . The -- information had to be  
5. . entered in that field in order for the hiring  
6. . manager to continue.  
7. . . . . But the candidate's salary was not  
8. . necessary to be included into that field.  
9. . . . . The hiring manager could enter a zero if  
10. . they needed to.

**60:21-22**

21. . . . Q. . . In what circumstances would somebody put a  
22. . zero into that field?

**61:1-8**

1. . . . . THE WITNESS: . Well, I wouldn't be able to  
2. . speak intelligently on every manager entering every  
3. . field in every form.  
4. . . . . However, many candidates refused to  
5. . disclose current compensation and -- simply as a  
6. . negotiating or bargaining tool, in which case a  
7. . manager might have to proceed without it. . And from  
8. . what I have been told, many did.