

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of: )  
)  
OFFICE OF FEDERAL CONTRACT ) Case No. 2017-OFC-00006  
COMPLIANCE PROGRAMS, )  
U.S. DEPARTMENT OF LABOR, )  
)  
Plaintiff, )  
)  
vs. )  
)  
ORACLE AMERICA, INC., )  
)  
Defendant. )  
)

**VOLUME VIII**

Tuesday,  
December 17, 2019

Office of OALJ  
90 Seventh Street  
San Francisco, CA

The above-entitled matter came on for hearing,  
pursuant to notice, at 9:00 o'clock a.m.

BEFORE: THE HONORABLE RICHARD M. CLARK,  
Administrative Law Judge

**APPEARANCES:**On behalf of the Plaintiff:

LAURA BREMER, ESQ.  
NORMAN E. GARCIA, ESQ.  
JANET HEROLD, ESQ.  
PAIGE B. PULLEY, ESQ.  
DAVID EDELI, ESQ.  
EDUARD MELESHINSKY, ESQ.  
JENNIFER FLORES, ESQ.  
IAN ELIASOPH, ESQ.  
U.S. Department of Labor  
Office of the Solicitor  
90 7th Street, Suite 3-700  
San Francisco, CA 94103  
415-625-7740 415-625-7772 fax

M. ANA HERMOSILLO, ESQ.  
U.S. Department of Labor  
Office of the Solicitor  
300 Fifth Street, Suite 1120  
Seattle, WA 98104  
206-757-6751 206-757-6761 fax

On behalf of the Defendant:

WARRINGTON S. PARKER III, ESQ.  
ERIN M. CONNELL, ESQ.  
KATHRYN MANTOAN, ESQ.  
Orrick, Herrington & Sutcliffe, LLP  
The Orrick Building  
405 Howard Street,  
San Francisco, CA 94105-2669

I N D E X

PROCEEDINGS:

PAGE:  
1872

Tuesday, December 17, 2019

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>ALJ</u>
Nachiketa Yakkundi	1884	1896	1912		
Leor Chechik	1915	1933	1953		

<u>EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>	<u>WITHDRAWN</u>
------------------	-------------------	-----------------	-----------------	------------------

JOINT

(None identified, nor received.)

PLAINTIFF

93				1958
513	1882	---		
514	1882	---		

DEFENDANT

90, 91				1959
93				1959
96, 97				1959
99 through 106				1959
449		1881		
450			1880	

ADMINISTRATIVE LAW JUDGE

(None identified, nor received.)

P R O C E E D I N G S

1 (9:00 o'clock a.m.)

2 JUDGE CLARK: Okay. We will be on the record.

3 Good morning. We are on the record in the matter  
4 of OFCCP versus Oracle America, Incorporated, Case Number  
5 2017-OFC-00006. Today is December 17th, 2019, this is day  
6 eight of our hearing. All parties are present. We are in  
7 Oracle's case, at this point.

8 Do we have an outline of the witnesses for today?

9 MR. PARKER: Yes.

10 JUDGE CLARK: Mr. Parker?

11 MR. PARKER: Two, Nachiketa Yakkundi and Leor  
12 Chechik.

13 JUDGE CLARK: Okay. That sounds like a rather  
14 short day.

15 MR. PARKER: It sounds like we'll be done before  
16 11:45 o'clock a.m.

17 JUDGE CLARK: Okay. Wow, all right. So, there  
18 were a couple additional witnesses, you're just not planning  
19 to call them now, Cindy Hsin and Kristen Desmond.

20 MR. PARKER: We want to be done before 11:45  
21 o'clock a.m.

22 JUDGE CLARK: Okay.

23 Anything from OFCCP, Ms. Bremer?

24 MS. BREMER: Yes, Your Honor. Ian Eliasoph has

1 something to say.

2 JUDGE CLARK: Mr. Eliasoph?

3 MR. ELIASOPH: Good morning, Your Honor.

4 Yesterday, Dr. Saad provided testimony regarding  
5 analyses he testified he did as part of initial report, but  
6 for which he admits he did not provide the backup data to  
7 OFCCP. OFCCP moves to strike Dr. Saad's testimony regarding  
8 this topic, specifically his word clusters, on the ground  
9 that this information has not been provided to OFCCP. The  
10 Court ruled that it was denying OFCCP's motions at this time.

11 Last night, OFCCP asked Oracle to provide the  
12 charts and backup data Dr. Saad referenced in his testimony  
13 yesterday and Oracle has refused to provide this information,  
14 arguing that the Court's ruling on the motion to strike  
15 governs this issue.

16 As the Court will recall, OFCCP filed a *motion in*  
17 *limine* seeking the exclusion of any evidence and testimony  
18 relating to information not produced by Oracle in the course  
19 of discovery. The Court ruled that it did not need to issue  
20 this ruling, because Oracle agreed that it would not do so.  
21 However, yesterday, Oracle did exactly that. Dr. Saad  
22 testified about matters as to which he has not provided his  
23 analysis or backup data. In opposing OFCCP's motion to  
24 strike, Oracle claimed that the charts Dr. Saad referenced  
25 could have been reconstructed by OFCCP.

1           As OFCCP explained yesterday, we have consulted  
2 with our expert and have been advised that OFCCP has no way  
3 of reconstructing any charts Dr. Saad alleges he conducted.  
4 In fact, the backup data Dr. Saad provided indicates that he  
5 did not do the charting he testified yesterday that he did,  
6 but instead just selected the cluster numbers, which  
7 indicates a skewing of his analysis.

8           As this Court will recall, the Court excluded the  
9 testimony of Professor Madden regarding her analyses and  
10 response to testimony Dr. Saad gave yesterday regarding field  
11 of study, educational, and testimony he gave yesterday  
12 regarding the results of his model that had he applied it to  
13 the base pay data set.

14           Professor Madden performed her work after she  
15 received Dr. Saad's rebuttal report and it was provided to  
16 Oracle and Dr. Saad in advance of the expert depositions.  
17 The Court excluded this testimony on the basis that it should  
18 have been disclosed with the initial reports.

19           OFCCP respectfully submits that if the Court's  
20 rulings on these issues is not evenhanded it results in a  
21 denial of process to OFCCP and that OFCCP will be denied the  
22 opportunity to present its full evidence regarding these  
23 issues. OFCCP renews its motion to strike and if the Court  
24 denies this motion, OFCCP asks that Dr. Madden's declaration  
25 description of the supplemental analyses she performed in

1 response to Dr. Saad's supplemental report be admitted into  
2 evidence.

3 JUDGE CLARK: Okay. So, you're asking the  
4 supplemental analyses, you're talking about the three reports  
5 that have already been excluded, correct?

6 THE WITNESS: Correct.

7 JUDGE CLARK: Okay.

8 Ms. Connell?

9 MS. CONNELL: Yes, thank you, Your Honor. So, I  
10 think first of all it's important to clarify what we're  
11 talking about here. The backup files that OFCCP is  
12 complaining about establish only -- that allegedly is missing  
13 -- it's only how Dr. Saad landed on the number 24, that's  
14 what the charting is about. It's how he landed on the 24.  
15 And this issue was something that if OFCCP had concerns about  
16 that they should have raised long ago. Certainly, we didn't  
17 realize that anything was allegedly missing, but we produced  
18 the backup files for Dr. Saad's analyses back on July 19th of  
19 2019. So, OFCCP has had the files since July.

20 Then, on August 16th, the parties exchanged  
21 rebuttal reports. And on page 28 of Dr. Madden's rebuttal,  
22 she expressly addressed this issue, saying that she could not  
23 figure out the basis for how Dr. Saad arrived at the number  
24 24. So, she expressly addressed that issue. So, to the  
25 extent that she felt something was missing, OFCCP has long

1     been on notice of this, but they never raised it during  
2     discovery.

3             As Your Honor knows, there's been extensive meeting  
4     and conferring on discovery issues in this case and extensive  
5     discovery motion practice. And specifically with respect to  
6     the issue of backup files, there's also a history of raising  
7     issues of their sufficiency during the discovery process. To  
8     give just two examples:

9             OFCCP initially refused to provide the backup files  
10    for the NOV. We insisted on their production and we were  
11    diligent in following up on this until we had what we felt we  
12    needed for our experts to replicate that analysis.

13            Similarly, with respect to the SAC, OFCCP did not  
14    provide the complete backup files. We reviewed them, we  
15    deemed them to be insufficient and we raised them at that  
16    time. And then they eventually produced them to us.

17            So, for OFCCP to be raising these issues now, we  
18    think it's the time to have raised any of that was during the  
19    discovery process.

20            Additionally, at deposition OFCCP marked as an  
21    exhibit, it was Exhibit 11, Dr. Saad's deposition, which took  
22    place on -- I think it was October -- October 11th. But they  
23    didn't do so until 6:30 o'clock p.m., at night, because they  
24    spent all of their seven hours on other issues that they  
25    apparently felt were more important, including nearly a third

1 of the deposition on Dr. Saad's background. So, they didn't  
2 ask those detailed questions, because they were using their  
3 seven hours on issues that they apparently felt were more  
4 important than this one.

5           Nevertheless, when they filed their motion to  
6 exclude Dr. Saad, all together, from testifying as an expert  
7 in this case, they specifically raised this issue on page 8  
8 of their Daubert motion, arguing that Dr. Saad just  
9 arbitrarily chose the 24 clusters, but didn't explain how he  
10 chose that number. So, this is not an unexpected issue. And  
11 Your Honor denied the motion. So, Your Honor has already,  
12 essentially, ruled that how he arrived at the 24 clusters is  
13 a non-issue, it's not something that's material to this case  
14 and that's the only thing that OFCCP now claims is missing.

15           So, I don't think that there's any basis to  
16 exclude. This was an issue that if they had timely brought  
17 to our attention -- we didn't know that something was  
18 allegedly missing -- but to raise it now, you know, is -- it  
19 should have been raised in discovery. And so we would  
20 respectfully ask that Your Honor's ruling stands.

21           JUDGE CLARK: Anything further, Mr. Eliasoph?

22           MR. ELIASOPH: Yes, Your Honor What you just heard  
23 from Ms. Connell was mostly non-responsive to our concern.  
24 However, I will note that she asserts both that we did raise  
25 this, back in -- even at the time of the expert reports. And

1 then at the same time she's saying we should have raised it.  
2 So, we're not really quite clear what we could have done. We  
3 view this as a clear case of trial by ambush. We, in fact,  
4 as Ms. Connell just acknowledged, have been raising this  
5 issue and yet we had no substantive response until Dr. Saad  
6 testified in open court yesterday to information that he had  
7 never provided. And again, in light of the history of this  
8 court excluding Dr. Madden's analyses, because they were not  
9 timely disclosed, we think that it is directly equivalent.

10 Furthermore, as opposing counsel just stated, there  
11 is no risk -- according to them -- of excluding this, because  
12 she just stated it's not material to the case. So, the fair  
13 thing to do would be to exclude it. If this Court is no  
14 prepared to exclude it, again, we request that Dr. Madden's  
15 analyses that were struck based on timeliness, also be  
16 submitted to the court.

17 JUDGE CLARK: Ms. Connell, anything further?

18 MS. CONNELL: Yes, just briefly, Your Honor. OFCCP  
19 never asked for anything. So, to the extent their expert  
20 raised concerns about it, that doesn't trigger any obligation  
21 on our part. They should have asked for it if they felt that  
22 they were missing something to which they are entitled. It's  
23 also not clear, I think their motion is vague in terms of  
24 what the "it" is that they want struck. It seems they want  
25 all testimony regarding the cluster analyses, generally,

1 struck, which is not appropriate. I mean I think their  
2 motion is not appropriate, generally, but at least it seems  
3 to be extensively over-broad. And I would also like to make  
4 the point that there's no connection between this and the  
5 untimely reports, that was a totally different set of  
6 scenarios. And so to try to say that this issue somehow  
7 allows them to back-door in untimely reports that Your Honor  
8 has already ruled on, there's no connection between the two,  
9 and so we would also ask that Your Honor's ruling on that  
10 *motion in limine* similarly stand.

11 JUDGE CLARK: Last word, Mr. Eliasoph, anything  
12 further?

13 MR. ELIASOPH: Yes, Your Honor. The reason the  
14 OFCCP did not request more information was because we thought  
15 we had all the information. We had the backup data, which  
16 says what was chosen. We think our record is quite clear as  
17 to what will be struck, but if there is a question about  
18 that, we would be happy to wait until we have the transcript  
19 and then designate the portions we wish to strike.

20 JUDGE CLARK: Okay. So, regarding the request, the  
21 request is denied. I see a very big difference between Dr.  
22 Madden's late analyses, those three reports that were  
23 conducted after discovery closed, and this issue regarding  
24 the clusters or the 24 number. Based upon the argument of  
25 counsel here, it appears that this is information that was

1 known. Yesterday I didn't find the objection to be timely,  
2 it should have been raised when this came up first thing in  
3 the morning, not two and a half hours into cross-examination,  
4 yesterday afternoon. So, I don't find it to be a timely  
5 objection and your request to strike it is denied. And your  
6 request to reopen and add three additional reports is denied.

7 Okay. So, now we're turning to the remaining  
8 exhibits. There were a couple that were marked yesterday.  
9 First, there was Defense 449 and Defendant's 450.  
10 Defendant's 450 was offered into evidence, over objection.  
11 Even though it pertains to a summary of the reports, as I  
12 understand it, it was not timely disclosed. Summaries are  
13 typically helpful, but because it was not timely disclosed,  
14 I'm going to deny the admission of Defense 450.

15 (Defendant Exhibit No.  
16 450 was rejected.)

17 JUDGE CLARK: Did you have a request for 449, Ms.  
18 Connell?

19 MS. CONNELL: I don't remember, I'm sorry.

20 JUDGE CLARK: As I understand it, it's a complete  
21 copy of Dr. Madden's report containing charts. Apparently --

22 MS. CONNELL: No, that was just to aid Dr. Saad's  
23 testimony, to the extent he wanted to refer to it. We don't  
24 have any request with respect to it.

25 JUDGE CLARK: Okay.



1 MS. BREMER: No, Your Honor.

2 JUDGE CLARK: You're not seeking to admit them,  
3 correct?

4 MS. BREMER: No.

5 JUDGE CLARK: Okay. Then 506 is renumbered 513,  
6 507 is renumbered 514, they'll remain a part of the record,  
7 but they are not admitted into evidence.

8 (Plaintiff Exhibit Nos.  
9 513 and 514 were marked  
10 for identification.)

11 JUDGE CLARK: I think that takes care of the few  
12 exhibits from yesterday.

13 Anything else before we get started, Ms. Bremer?

14 MS. BREMER: No, Your Honor.

15 JUDGE CLARK: And Ms. Connell?

16 MS. CONNELL: No, Your Honor.

17 JUDGE CLARK: You may call your witness.

18 MR. PARKER: Oracle calls Nachiketa Yakkundi.

19 If you'd step up here and before you have a seat if  
20 you'd face me and raise your right hand? You can take your  
21 coat off, make yourself comfortable.

22 If you'd raise your right hand?

23 Whereupon,

24 NACHIKETA YAKKUNDI

25 having been first duly sworn by the Administrative Law Judge,

1 was examined and testified as follows:

2 JUDGE CLARK: Have a seat, please. And then if you  
3 would state your name and spell it for the record?

4 THE WITNESS: Nachiketa Yakkundi, N-a-c-h-i-k-e-t-  
5 a,  
6 Y-a-k-k-u-n-d-i.

7 JUDGE CLARK: Okay. And Mr. Yakkundi, when I swore  
8 you in, I heard you say: "Yes, I do," when you swore to tell  
9 the truth, correct?

10 THE WITNESS: Correct.

11 JUDGE CLARK: I wasn't sure if the record picked  
12 that up.

13 So, we're recording everything that's said here.  
14 So, you need to make sure you let the lawyers ask the  
15 complete question and then you'll give your complete answer,  
16 because we can't record two people at once, all right?

17 THE WITNESS: Yes.

18 JUDGE CLARK: Okay. And because we're recording,  
19 you have to use words like yes or no, not head nods or --

20 THE WITNESS: Sure.

21 JUDGE CLARK: Got it, okay.

22 THE WITNESS: Thank you.

23 JUDGE CLARK: And also, keep your voice up so  
24 everybody in the courtroom can hear you, all right?

25 THE WITNESS: Okay.



1           A       In 2000 I left Oracle and joined a company. And  
2 then after that I joined another company called Oblix. Oblix  
3 was acquired by Oracle in 2005 and since then I have been at  
4 Oracle.

5           JUDGE CLARK: Would you spell Oblix for me?

6           THE WITNESS: O-b-l-i-x.

7           JUDGE CLARK: Thank you.

8 BY MR. PARKER:

9           Q       And what is your current job title?

10          A       I'm a senior manager.

11          Q       And senior manager where, in what?

12          A       In Identity Management.

13          Q       Very good. And are you in the Support, IT or  
14 Product Development job function?

15          A       I'm in Support.

16          Q       And what is your career level?

17          A       I'm a senior manager, that's M3.

18          Q       Very good. Could you tell me, before you went --  
19 can you tell me, before you joined Oracle did you go to  
20 college?

21          A       Yes.

22          Q       Could you tell me the degrees you received and what  
23 college, too?

24          A       Yeah. I got my Bachelor of Science in Computer  
25 Science and Mathematics from the University of Mount Union in

1 Ohio, and a Master's on Computational Sciences from Radford  
2 University in Virginia.

3 Q And how many people are you currently managing?

4 A Fifteen.

5 Q Are you familiar with something called: "Cost  
6 Center"?

7 A Yes.

8 Q And what is -- do you know whether or not you work  
9 in a Cost Center?

10 A Yes.

11 Q Could you tell me what that Cost Center is?

12 A That would be Fusion Metalware Identity Management.

13 Q And could you tell me what you and your team work  
14 on at Oracle?

15 A My team and I, we work on providing technical  
16 support for the Access Management Suite of Products, the  
17 chief of which is the Oracle Access Management Product, OAM.

18 Q Could you tell me a little bit of what the Access  
19 Management Product or Suite of Products do?

20 A They provide single sign-on capability between  
21 applications, provide authorization and authentication  
22 capabilities, provide figuration capabilities, and these are  
23 the overall functionality of the products.

24 Q Do you and your team support just Oracle Access  
25 Management Products?

1           A     Primarily, yes.

2           Q     Is there anything else?

3           A     There is the -- so Access Management is typically  
4 what we call the on-prem suite of products, on-premise as in  
5 software that you actually install in your systems, versus  
6 the Cloud version of the product, where the customer does not  
7 install the product themselves. So, we also support the IDCS  
8 and CASB product, which are Cloud products, but they are  
9 Access Management products.

10          Q     And could you tell the Judge, so that he knows,  
11 what those things are, CASB and --

12          A     IDCS is Identify Cloud Service product, and CASB is  
13 Cloud Access Security, I think the B is Bundle, I'm not sure  
14 exactly what CASB is.

15          Q     And I think you said this, but let's just be clear,  
16 what do you support -- is there something in common that you  
17 support between the on-prem products and the Cloud products  
18 that you just mentioned?

19          A     Yes, it is the Access Management capability, so.

20          Q     Great. And just so that's clear, you mentioned  
21 Identity Access and then Access Management, can you just  
22 specify what Access Management means?

23          A     Access Management is, essentially, the  
24 authorization and authentication portions of Access  
25 Management, which authorization is allowing a resource, a

1 document, an application to have access to certain  
2 individuals or groups of personnel. Authentication is the  
3 actual act of accessing these different applications. So,  
4 the product OAM, for instance, provides the setup and  
5 configuration for the authorization and authentication of  
6 such resources.

7 Q Do the people that report to you have job titles?

8 A Yes, they do.

9 Q Can you tell me what they are?

10 A They are senior support engineer, principal support  
11 engineer and senior principal support engineer.

12 Q Are those job titles at all followed by a number of  
13 any kind?

14 A Yes. So, they are IC3, 4, 5, an in individual  
15 contributor 3, 4 and 5.

16 Q Can you tell me, within your team, do the people  
17 that share a job title, but have a different number  
18 following, different IC number following, do they do the same  
19 thing?

20 A Some job -- some duties are the same, things like  
21 getting the right knowledge, the right information and  
22 details from the customer's problem, doing analysis and  
23 investigation that are common. Some are specific to the  
24 experience and expertise.

25 Q Tell me about that?

1           A     There will be problems from the customers and that  
2 will require a lot more analysis and investigation. For  
3 example, if the customer has marketable products installed in  
4 their environment, that will require more expertise. If a  
5 customer has problems that go even outside Oracle or even  
6 OEM's boundaries, if there's a problem with the operating  
7 system or with the networking layer, or with tuning and  
8 performance tuning, that will require much more in-depth  
9 analysis and investigation.

10          Q     And when that happens, do you move up in number or  
11 down in number, is there a correspondence?

12          A     Yeah, up in number.

13          Q     Meaning what?

14          A     IC5, for example, a senior principal would be  
15 engaged at that time.

16          Q     Are there product support engineers that work  
17 outside of the OEM group in which you work?

18          A     Yes.

19          Q     And are they doing, to your knowledge, the same  
20 thing or something different than the product support  
21 engineers that work in your group?

22          A     They are functionally doing the same thing, in the  
23 sense that they are supporting customers, providing technical  
24 support to customers. But they are working on different  
25 products, different Oracle products all together.

1 Q And what does that mean to you -- does that mean  
2 they're doing the same thing?

3 A No, they're not doing the same thing.

4 Q Do you know whether or not what your group is  
5 working on requires a different set of skills?

6 A Yes.

7 Q Tell me about that?

8 A In our team we have a requirement for a very  
9 specific set of skills that involves the web server, the  
10 application server, the operating system, a little bit of  
11 programming, and administration of all these components, as  
12 well as deep expertise in the Oracle product itself, in this  
13 case the Access Management Suite.

14 Q Now, do you have a manager that reports to you?

15 A No.

16 Q Would you -- do you ever think of yourself as -- do  
17 you know the term: "line manager," is that something you  
18 think you know about?

19 A Yes.

20 MR. ELIASOPH: Objection, leading.

21 JUDGE CLARK: Overruled.

22 THE WITNESS: Yes.

23 BY MR. PARKER:

24 Q Would you consider yourself a line manager or not?

25 A Yes, I would.

1 Q For your group, who does the hiring?

2 A I do.

3 Q Okay. Are you familiar with the term: "job  
4 posting"?

5 A Yes.

6 Q When you -- how does it come about that you would  
7 make a decision or not to hire -- well, let's do it this way  
8 -- really what I want to get to is job posting, so hold on.  
9 So, when you're involved in the hiring process, do you have  
10 anything to do with a job posting?

11 A Yes.

12 Q Okay. Tell me about that?

13 A A job posting goes through a certain process where  
14 you enter all the necessary details for the skills and  
15 experience required for the candidate, those details I  
16 provide. I also provide the technical skills that are  
17 necessary, as well as the experience necessary in the  
18 non-technical skills. For example, dealing with customers on  
19 a hands-on basis, such details as well, which I consider  
20 non-technical. I provide those details in the job posting.  
21 And then once I enter all the details, I post it. And at  
22 that point a recruiter is assigned to me.

23 Q Are the technical details specific to Access  
24 Management --

25 A Yes.

1 Q -- or are they more general?

2 A Access Management.

3 Q Now, when you make a decision to hire someone, what  
4 happens next?

5 A After the recruiter, to whom I'm assigned, does get  
6 assigned, they go looking for candidates who have similar --  
7 the kind of skills that we are looking for. And then the  
8 candidates who fit that skill set and those requirements, I  
9 get that list from the recruiter and I interview the  
10 candidates myself, first. And then if the candidates are  
11 good enough and if they need further vetting, I have my team  
12 members, mostly senior team members interview that candidate  
13 to get the best possible vetting. Sometimes I have my peers,  
14 my management peers interview those candidates, just to get a  
15 different perspective. And then very seldom I also have my  
16 own manager talk to the candidates.

17 Q And then after this process, who makes the decision  
18 whether someone should be hired?

19 A I do.

20 Q And what happens after that?

21 A I -- once I have made a decision that the candidate  
22 is ready to come into Oracle, I prepare the necessary  
23 administrative paperwork, which is to make sure that they fit  
24 into a certain salary range that they're already assigned for  
25 that position, and their job geographical location. And then

1 I send in the paperwork to my manager to get the necessary  
2 approval. After which the HR team gets involved and makes  
3 sure that everything is vetted from their side, as well --  
4 background checks, anything else that they might need.

5 Q Have you ever had a hiring decision you've made  
6 overturned in this process?

7 A No, not that I can recall.

8 Q And are you familiar with the -- I'm sorry. And  
9 then who makes the compensation decision when you're hiring a  
10 manager or hiring someone?

11 A So, as long as the candidate fits into the salary  
12 range that has been assigned, and as long as I have the  
13 candidate in that salary range, that is pretty much it.

14 Q Okay. But who makes that decision?

15 A I make that decision.

16 Q And is there a process afterward -- is there any  
17 kind of process after you make that decision?

18 A Well, once I make the decision, the approval has to  
19 come from my manager and from HR. But that is a formal  
20 process.

21 Q And have your compensation decisions ever been  
22 overturned?

23 A No.

24 Q And has it ever been, to your knowledge, Oracle  
25 policy to base compensation decisions for new hires on prior

1 pay?

2 A No.

3 Q Are you familiar with the term: "focal review"?

4 A Yes.

5 Q Have you ever participated in the focal review  
6 process?

7 A Yes.

8 Q And what is your -- tell me how that process works,  
9 from your perspective?

10 A Every year we have a focal review and appraisal  
11 process. It is a mandatory process. And so in my case I  
12 have an individual appraisal process for each of the 15  
13 direct reports that I have. There's a very detailed set of  
14 criteria of how we evaluate that engineer for the previous  
15 year, for the past year. And at first the engineer gives the  
16 self-appraisal feedback to me, and I give my feedback. We  
17 have one-on-one discussions, not necessarily only one, many  
18 multiple discussions. And after that I give my rating for  
19 each engineer.

20 Now, sometimes we have the opportunity to provide a  
21 salary increase and that depends on the rating that I provide  
22 to the engineers, as well as an overall budget, also,  
23 allocated to me.

24 Q Who decides how to allocate the focal review monies  
25 to your direct reports?

1           A     I do.

2           Q     And do you receive guidelines as to how that should  
3 be done?

4           A     Not in detail, but the most important guideline is  
5 do not "peanut butter," which is believe take amount X and  
6 divide by 15, in my case.

7           Q     Do you ever get any guideline that specifies who,  
8 precisely, reports to you should get focal review monies?

9           A     No, no.

10          Q     And when you're making these pay decisions, do you  
11 do any type of assessment of pay equity among the 15 people  
12 that report to you?

13          A     Yes. I tried to be as fair as I can.

14          Q     And what kind of factors do you look at?

15          A     The existing pay for the engineers, where they're  
16 located, because my team is spread across the U.S. sometimes  
17 I have to take into consideration the Bay Area versus other  
18 areas. But I try, from my part, I try to be as fair as  
19 possible.

20          Q     Have you received training on non-discrimination  
21 training?

22          A     Yes.

23          Q     And to your knowledge, does that non-discrimination  
24 training apply to compensation decisions?

25          A     Yes.

1 Q Have you take Affirmative Action training?

2 A Yes.

3 Q Have you received training on the Code of Conduct?

4 A Yes.

5 Q Have you ever witnessed or experienced  
6 discrimination at Oracle?

7 A No.

8 Q Do you think you've been -- do you ever think  
9 you've been treated unfairly or wrongly, because of your  
10 ethnicity?

11 A No.

12 MR. PARKER: Nothing further at this time.

13 JUDGE CLARK: Thank you, Mr. Parker.

14 Is this your witness, Mr. Eliasoph?

15 MR. ELIASOPH: Yes, Your Honor.

16 JUDGE CLARK: Go ahead.

17 CROSS-EXAMINATION

18 BY MR. ELIASOPH:

19 Q Good morning, Mr. Yakkundi.

20 A Good morning.

21 Q You report to Frederick McFall?

22 A Yes.

23 Q And you work in a line of business led by Charles  
24 Wozwat?

25 A Yes.

1 Q And was that line of business previously headed by  
2 Thomas Kurian?

3 A I'm not sure about that.

4 Q Okay. You have not been based in Redwood Shores  
5 since mid 2017, is that correct?

6 A Not exactly. The mailing address is still Redwood  
7 Shores. My physical office is in Belmont, which is across a  
8 footbridge from Redwood Shores. So, for all practical  
9 purposes, I'm at headquarters.

10 Q Okay. But you report to Belmont?

11 A Yes, I'm physically in Belmont, yes.

12 Q And you supervise four female employees at Redwood  
13 Shores, between 2013 and mid 2017?

14 A Yes.

15 Q And you began working for OFCCP in June 1994,  
16 correct?

17 A Yes.

18 Q And at that time you were an IC1?

19 A Yes.

20 Q And you worked in various junior level support  
21 roles until you chose to leave Oracle in February 2000,  
22 correct?

23 A Yes.

24 Q And during that time you never advanced beyond an  
25 IC3, correct?

1           A     I may have gone to IC4, I'm not sure of the number  
2 of the IC, but I wasn't a manager.

3           Q     Okay. So, you're not sure what your IC level was  
4 when you left Oracle?

5           A     No.

6           Q     And when you left Oracle in 2000, you moved to  
7 another tech company, Vento, correct?

8           A     Ventro.

9           Q     Ventro, thank you.

10          A     T-r-o.

11          Q     And that's correct?

12          A     V-e-n-t-r-o, correct.

13          Q     And after four to six months at Ventro, you were  
14 promoted to management, correct?

15          A     Yes.

16          Q     Then you proceeded to work at another tech company,  
17 Oblix, correct?

18          A     Correct.

19          Q     And you were a manager for Oblix beginning in 2001,  
20 correct?

21          A     Yes.

22          Q     And Oracle acquired Oblix in 2005, while you were  
23 working at Oblix, right?

24          A     Yes.

25          Q     And it is through this acquisition of the company,

1       you moved to, that you returned to Oracle, correct?

2           A     Yes.

3           Q     And when Oracle acquired Oblix, you returned to  
4       Oracle at an M3 level, correct?

5           A     Yes.

6           Q     Do you recall that you received either a rating of  
7       4, which is exceeds expectation, or 5, outstanding, on all  
8       performance reviews from 2005 to 2009?

9           A     Yes.

10          Q     And you indicated that you're aware that there's  
11       different salary grades at Oracle, correct?

12          A     Yes.

13          Q     And are you aware that in 2007, during the time  
14       that you remained an M3 at Oracle, your salary grade dropped?

15          A     I'm not aware of that.

16          Q     So, you're not aware that you didn't return to your  
17       prior salary grade for another five years?

18               MR. PARKER:  Assumes facts, lacks foundation.

19               MR. ELIASOPH:  I'm asking if he's aware.

20               JUDGE CLARK:  Overruled.

21               You can answer the question, if you know.

22               THE WITNESS:  I'm not aware.

23       BY MR. ELIASOPH:

24           Q     And you are currently an M3, correct?

25           A     Correct.

1 Q So, in the five years that you were not at Oracle,  
2 you became a manager, but since you came back to Oracle  
3 you're still at the same career level, correct?

4 A Yes.

5 Q So, you have remained an M3 for 15 years, correct?

6 A Correct.

7 Q Now, since 2005, you continued to -- let me back  
8 up. At the time that Oblix was acquired by Oracle in 2005,  
9 you were working on a customer facing product that Oracle  
10 later re-branded Oracle Core ID, correct?

11 A Correct.

12 Q And eventually that product became Oracle Access  
13 Manager, which you were referring to before?

14 A Correct.

15 Q And that's OAM?

16 A OAM.

17 Q Okay. I'll refer to it as OAM.

18 A Sure.

19 Q So, today you are still part of the OAM support  
20 team, correct?

21 A Correct.

22 Q And that supports a suite of 10 to 12 on-premise  
23 products?

24 A Yes.

25 Q And you provide web access management and user

1 identifying administration -- I may have messed that up. Do  
2 you provide web access management?

3 A Yes.

4 Q And do you recall submitting a declaration in this  
5 case?

6 A Yes.

7 Q Okay. And in that declaration, you describe that  
8 the work your team does as requiring unique skills, correct?

9 A Yes.

10 Q You indicated that the technical analysts on your  
11 team are highly experienced in OAM and understand its nuances  
12 better than any other support team, correct?

13 A Correct.

14 Q And they need to work with components that function  
15 outside OAM?

16 A Sometimes, yes.

17 Q And because of that, OAM is a very complex product  
18 to support, correct?

19 A Correct.

20 Q And you've stated that it requires an in-depth  
21 understanding of each technology and how it operates,  
22 correct?

23 A Yes.

24 Q And you indicated that there are two other teams,  
25 located elsewhere in the U.S., that roll up to your

1 supervisor, that provide support for OAM, correct?

2 A They don't -- so, there are two other teams that  
3 report to Fred McFall, my manager. And the other teams are  
4 not, necessarily, working on the Access Management Suite.

5 Q Not necessarily, but they do?

6 A No. So, they work on what we call the OIG Suite of  
7 products, Oracle Identity Governance Suite, as well as the  
8 Directory Services Suite.

9 Q And you have indicated that working on OIG is  
10 simpler, because it is used in the user created process, when  
11 the user has not yet begun using a customer's system,  
12 correct?

13 A Not as complex.

14 Q Okay. And it's your position that you have  
15 different skills from others, who you share a job code. You  
16 pointed to somebody who is a specialist in job coding,  
17 correct?

18 A Um-hum.

19 Q Yes?

20 A Yes.

21 Q But you admit that you have a working knowledge of  
22 Java, correct?

23 A Very rudimentary working of Java.

24 Q And would you say you were fully experienced in  
25 your role at OAM?

1 A Yes.

2 Q Would you say that you are competent at your job?

3 A Yes.

4 Q Would you say that you are a solid performer?

5 A Yes.

6 Q Would you say that your contribution has been  
7 exceptionally high?

8 A Yes.

9 Q And you have 15 direct reports, five of who are  
10 female, correct?

11 A Yes.

12 MR. ELIASOPH: Okay. At this time, Your Honor, I'd  
13 like to refer to persons named in Mr. Yakkundi's declaration,  
14 to ease the process and to use pseudonyms, I'd like to  
15 provide the declaration to the witness and to the parties,  
16 and we will -- I will identify pseudonyms.

17 JUDGE CLARK: Go ahead. Is this an exhibit in the  
18 case already, or is this something different?

19 MR. ELIASOPH: It's not.

20 JUDGE CLARK: Okay. Do you need it marked or  
21 you're just going to use it for --

22 MR. ELIASOPH: Just for questioning purposes.

23 JUDGE CLARK: Okay. Thank you.

24 BY MR. ELIASOPH:

25 Q I'd like you to turn to paragraph 14. Can you

1 confirm that this is the declaration you signed in support of  
2 the Defendant's motion for summary judgment?

3 A Yes.

4 Q Okay. And to protect the privacy of individuals,  
5 I'm going to ask that you not read any names in this out loud  
6 in the courtroom. But the first person mentioned in  
7 paragraph 14, the third line of that paragraph, I'm going to  
8 refer to as Jane Doe, do you understand?

9 A Okay.

10 JUDGE CLARK: Maybe we should call her Jane Doe 1,  
11 since I think we had a Jane Doe earlier.

12 MR. ELIASOPH: That's fine. Jane Doe 1.

13 And for the record, Jane Doe 1 is the employee  
14 listed in the spreadsheet marked P-260, row 2509.

15 JUDGE CLARK: Thank you.

16 BY MR. ELIASOPH:

17 Q Is Jane Doe 1 female?

18 A Yes.

19 Q Is Jane Doe 1 Asian?

20 A Yes.

21 Q Is Jane Doe 1 experienced in her role?

22 A Yes.

23 Q Is Jane Doe 1 competent in her role?

24 A Yes.

25 Q Is Jane Doe 1 a solid performer?

1           A     Yes.

2           Q     Would you say that Jane Doe 1's contributions are  
3 exceptionally high?

4           A     No.

5           Q     You compare Jane Doe 1 to another employee, who  
6 again I will use a pseudonym for, but it's in this paragraph,  
7 it's almost directly below her name, and we'll call that  
8 employee Bess Roe. Do you recall making that comparison?

9           A     Yeah.

10          Q     Okay. And Bess Roe is not a direct report of  
11 yours, correct?

12          A     Correct.

13          Q     And Bess Roe is not based in Redwood Shores,  
14 correct?

15          A     Correct.

16          Q     And in your declaration, you point out that Jane  
17 Doe 1, while sharing the same job title as Bess Roe, requires  
18 more specialized knowledge of non-Oracle technologies,  
19 correct?

20          A     Yes.

21          Q     Okay. And I'd like to turn to paragraph 18 of your  
22 declaration. I promise this is the last pseudonym I will  
23 introduce. The person named in the first line of paragraph  
24 18 we'll call Linda Poe. I'm happy to use any other name,  
25 I'm not particularly creative.

1 JUDGE CLARK: That's fine.

2 BY MR. ELIASOPH:

3 Q Okay. Linda Poe -- is Linda Poe female?

4 A Yes.

5 Q And Linda Poe is a direct report of yours?

6 A Yes.

7 Q And is Linda Poe Asian?

8 A Yes.

9 Q And at the time of hiring, you had specific reasons  
10 to want Linda Poe, due to her skills, correct?

11 A Yes.

12 Q You indicated that she was extremely familiar with  
13 various Directory products, correct?

14 A Yes.

15 Q And I'm going to use some acronyms that I don't  
16 know what they mean, but you said them. It's true that the  
17 LDAP -- which is L-D-A-P -- and S-S-O Technologies that are  
18 crucial to supporting OAM runs -- let me start that over.

19 The LDAP and SSO Technologies are crucial for  
20 supporting OAM, correct?

21 A Yes.

22 Q And you indicated that you hired Linda Poe because  
23 she had specialized knowledge related to these technologies,  
24 correct?

25 A Yes.

1 Q In short, you, Jane Doe 1 and Linda Poe, all have  
2 specialized skills, correct?

3 A Yes.

4 Q And they specifically relate to the specialized  
5 work your team does, correct, that's your position?

6 A Yes.

7 Q Are you aware that at least for the period from  
8 September 2012 to January 2018, you were paid less than the  
9 midpoint of the salary range for your job code?

10 A No.

11 Q As Jane Doe 1's supervisor, you're able to see her  
12 salary, correct?

13 A Yes.

14 MR. ELIASOPH: Your Honor, I'd like to share with  
15 the witness -- but not put anything on a screen -- an excerpt  
16 of data from Exhibit J-132, that does have PII related to the  
17 employees in question.

18 JUDGE CLARK: Okay.

19 MR. ELIASOPH: I have paper copies.

20 JUDGE CLARK: Okay.

21 MR. PARKER: I think before we get to Bess Roe, I  
22 don't think foundation has been laid for Bess Roe. He's only  
23 laid the foundation for Jane Doe 1, in terms of what he may  
24 or may not know.

25 JUDGE CLARK: Okay. And I understand you're

1 showing Jane Doe 1, correct?

2 MR. ELIASOPH: Jane Doe 1 and Linda Poe.

3 JUDGE CLARK: And Linda Poe, okay.

4 Thank you.

5 BY MR. ELIASOPH:

6 Q Do you see on this sheet data related to the person  
7 who we have been calling Jane Doe 1?

8 A Yes.

9 Q And do you believe that the salary information  
10 provided on this sheet, do you have any reason to believe  
11 that it is inaccurate?

12 A No.

13 Q Between March 2005 and November 2016, Jane Doe 1  
14 never received a salary pay bump that was more than 3.02  
15 percent, correct?

16 A Correct.

17 Q And in that time period, she only received five pay  
18 increases, correct?

19 A Yes.

20 Q Are you aware that in June -- I'm sorry -- are you  
21 aware that in 2014 Jane Doe 1 was a technical analyst 4 in  
22 Support, with an N12 salary band?

23 A I don't know about the salary band, but yes, she  
24 was a Support analyst, Support engineer.

25 Q Okay. Are you aware that in 2014, her wages were

1 more than \$20,000.00 less than the midpoint of her salary  
2 range and she was in the bottom quartile of Defendant Exhibit  
3 D-117?

4 A Can you repeat that, please?

5 Q Yes. Are you aware that in 2014 her wages were  
6 more than \$20,000.00 less than the midpoint of her salary  
7 range?

8 A (No verbal response.)

9 Q It is not listed on that sheet. I'm just asking if  
10 you're aware?

11 A No.

12 Q No, you're not aware?

13 A I don't -- I cannot answer that, because I believe  
14 have the --

15 Q You don't have the information.

16 A Yeah.

17 Q And would you know if your own direct report was in  
18 the bottom quartile of the salary range?

19 A I would know, not from here, but if I looked at my  
20 system, I would know.

21 Q And do you know if she was in the bottom quartile  
22 of the salary range in 2014?

23 A Yes.

24 Q Yes, you know or yes, she was?

25 A Yes, she was.

1 Q And do you know that her COMPA Ratio was .81?

2 A And what is that, again?

3 Q Okay. That's fine. I'll take that you do not know  
4 what the COMPA Ratio is, is that correct?

5 A Can you define that, what is COMPA Ratio?

6 Q I'm asking you, do you know what a COMPA Ratio is?

7 A No.

8 Q Okay. And there's another person listed on the  
9 excerpt that I provided you. We were referring to this  
10 person as Linda Poe. Is that Linda Poe?

11 A Yes.

12 MR. ELIASOPH: And I don't recall if I said this,  
13 but for the record, Linda Poe is the person listed in line  
14 3052 of Plaintiff Exhibit 260.

15 JUDGE CLARK: Thank you.

16 BY MR. ELIASOPH:

17 Q And you indicated that you were part of the hiring  
18 process of Linda Poe, correct?

19 A Um-hum.

20 Q Yes?

21 A Yes.

22 Q So, she was hired in 2006, is that when you hired  
23 her?

24 A Yes.

25 Q And the data provided by Oracle, that you're seeing

1 here, indicates that Linda Poe only received three salary  
2 increases between 2006 and 2016, correct?

3 A It only goes up to 2014.

4 Q You're right, I misread that, apologies. Between  
5 November 2006 and November 2014, she received three salary  
6 increases, correct?

7 A Yes.

8 Q And the largest of those salary increases was 4.24  
9 percent, correct?

10 A Yes.

11 Q The second largest salary increase was three  
12 percent, correct?

13 A Yes.

14 Q And on another occasion, she received a 2.68  
15 percent increase in salary, correct?

16 A Yes.

17 Q And you indicated that you are given a budget,  
18 correct?

19 A Yes.

20 Q So, you were discussing making compensation  
21 decisions, but you can't make a compensation decision that  
22 exceeds your budget, can you?

23 A Correct, I cannot.

24 Q And you stated you take Affirmative Action  
25 training?

1 A Yes.

2 Q What is that?

3 A It's a mandatory -- if I'm not mistaken -- annual,  
4 maybe every two years, training that HR mandates to us. And  
5 that training makes -- trains managers in making sure that  
6 our treatment of employees is fair and there is no  
7 discrimination happening.

8 Q And what, specifically, does that training tell you  
9 to do with respect to compensation?

10 A Do not discriminate by age, race, gender, sexual  
11 orientation and a few other things.

12 Q And is that the only guidance you're given?

13 A No.

14 Q What else?

15 A I cannot recall off the top of my head.

16 Q And you indicated that a recruiter is assigned when  
17 you have a hiring?

18 A Yes.

19 Q Is that an internal Oracle recruiter?

20 A Yes.

21 MR. ELIASOPH: Okay. Thank you very much. I have  
22 no other questions.

23 JUDGE CLARK: Mr. Parker, anything further?

24 REDIRECT EXAMINATION

25 BY MR. PARKER:

1           Q     One question for you, sir.  You mentioned or you  
2 were asked questions about did you know your salary band  
3 decreased or changed, do you remember that question?

4           A     Yes.

5           Q     Has your salary increased or decreased over your  
6 time at Oracle?

7           A     Increased.

8           Q     Has anyone ever decreased your salary for a period  
9 of time, and then increased it?

10          A     No.

11          Q     Thank you, sir.

12               MR. PARKER:  No further questions.

13               JUDGE CLARK:  Mr. Eliasoph, anything further?

14               MR. ELIASOPH:  No, Your Honor.

15               JUDGE CLARK:  Thank you.

16               Mr. Yakkundi, thank you so much for your time,  
17 you're free to go.  You are excused as a witness.

18               THE WITNESS:  Thank you.

19               (Witness excused.)

20               MR. PARKER:  And Your Honor, I'm just going to step  
21 out for a moment and get the next witness.

22               JUDGE CLARK:  You don't have your next witness.

23               Okay.

24               MR. PARKER:  No, no, I don't have the next witness.

25               JUDGE CLARK:  Gotcha, gotcha.  Is the witness ready

1 to come in or do we need to go off the record?

2 MS. CONNELL: I believe she's ready.

3 MR. PARKER: Give us --

4 JUDGE CLARK: Okay. We'll be off the record  
5 momentarily.

6 MS. CONNELL: Thank you, Your Honor.

7 (Off the record at 10:04 o'clock a.m.)

8 JUDGE CLARK: We'll be back on the record.

9 If you'd step right around here. Before you have a  
10 seat, if you could raise your right hand.

11 Whereupon,

12 LEOR CHECHIK

13 having been first duly sworn by the Administrative Law Judge,  
14 was examined and testified as follows:

15 JUDGE CLARK: Have a seat, please. And if you  
16 would state your name and spell it for our record, please?

17 THE WITNESS: Leor Chechik, L-e-o-r, C-h-e-c-h-i-k.

18 JUDGE CLARK: Thank you.

19 Ms. Chechik, the lawyers are going to ask you  
20 questions. We're recording everything that's said here.

21 THE WITNESS: Okay.

22 JUDGE CLARK: So, you need to let them ask the  
23 complete question and they'll let you give your complete  
24 answer, because we can't record two people at once, okay.

25 THE WITNESS: Yes.

1 JUDGE CLARK: If one of the lawyers makes an  
2 objection, just stop talking and we'll let you know whether  
3 you can answer the question, okay.

4 THE WITNESS: Okay.

5 JUDGE CLARK: And if you don't understand  
6 something, let us know and we will have them rephrase it for  
7 you.

8 THE WITNESS: Okay.

9 JUDGE CLARK: All right.

10 Ms. Mantoan, is this your witness?

11 MS. MANTOAN: Yes, Your Honor.

12 JUDGE CLARK: Go ahead.

13 MS. MANTOAN: Thank you.

14 DIRECT EXAMINATION

15 BY MS. MANTOAN:

16 Q Good morning, Ms. Chechik.

17 A Good morning.

18 Q Where do you work?

19 A Oracle.

20 Q And at what Oracle location?

21 A At Oracle Headquarters in Redwood Shores.

22 Q How long have you worked for Oracle?

23 A Since July 2006.

24 Q And what's your current job title?

25 A Software developer 4.

1 Q What race and gender do you identify as?

2 A I identify as a White female.

3 Q And why are you here to testify today?

4 A I've had a very positive experience throughout my  
5 career at Oracle and I wanted to share my truthful  
6 experiences.

7 Q Can you tell the Court a little bit about your  
8 educational background?

9 A Sure. I have a Computing Science Bachelor's from  
10 the University of Glasgow in the U.K., and a Computer Science  
11 Master's from Stanford University.

12 Q And did you do any work in the technology field  
13 while you were completing either of those degrees?

14 A Yes. I did one summer internship during my  
15 undergraduate degree at Amadeus in France. And I did one  
16 summer internship during my master's degree at CSAA in San  
17 Francisco.

18 Q And how did you come to join Oracle?

19 A I joined through the College Recruiting Program.

20 Q And why did you decide to join Oracle at that time?

21 A I was looking for a well established, very  
22 technical company where I could build a solid technical  
23 foundation as a new software developer, and I found that  
24 Oracle was a very good fit for me.

25 Q And could you describe the sort of process you went

1 through in that College Recruiting Program to join Oracle?

2 A Sure. I had an initial screening interview, and  
3 following that I received a list of many groups that had  
4 openings, with a group description, project description of  
5 the technology. And I was able to select around four or five  
6 to interview with, in an in-person interview at headquarters.  
7 And I came in and interviewed with those four or five groups.

8 Q And so those four or five groups you interviewed  
9 with, those were groups that you had selected, because you  
10 were interested in those groups, is that right?

11 A Yes.

12 Q And what happened after those interviews?

13 A I was asked to rank the groups according to my  
14 preferences and I was matched with my number one choice.

15 Q Do you have an understanding of what an  
16 organization is at Oracle?

17 A Yes, I think so.

18 Q What's the understanding that you have?

19 A It's sort of the wider group that you work with.

20 Q And what group did you join when you joined Oracle?

21 A Server Technologies.

22 Q And was there some subset within that group that  
23 you joined?

24 A Yes, Enterprise Manager.

25 Q Is that also sometimes called Enterprise Manager

1 Product Suite?

2 A Yes.

3 Q And why did you choose Enterprise Manager Product  
4 Suite as the team to join?

5 A The work was very technically solid. The team, the  
6 members that I interviewed with, I felt like it was a very  
7 good fit and I thought that would be a really good place to  
8 build my technical skills.

9 Q What type of a product were you working on when you  
10 were in that Enterprise Manager Product Suite team?

11 A So, Enterprise Manager is an application that  
12 monitors your servers. For example, within that I was  
13 working on application server, I was developing an  
14 application that monitors routing relationships, routing of  
15 data between servers. For example, when requests come into a  
16 server, you need to make sure that the load is balanced  
17 across different servers, this is the part of the application  
18 that I was working on.

19 Q Do you have an understanding of what a job function  
20 is at Oracle?

21 A I'm not sure.

22 Q And what was your job title when you first started  
23 at Oracle?

24 A Software developer 2.

25 Q And do you have an understanding that that had a

1 career level associated with it?

2 A My understanding is Level 2.

3 Q Have you heard that called IC2, ever?

4 A Yes, IC2.

5 Q And did you feel that that level of role was  
6 appropriate to your skill level at the time you joined  
7 Oracle?

8 A Yes.

9 Q Why do you say that?

10 A Just based on the education that I had and the  
11 experience from my internships, it was a good starting point  
12 where I had enough guidance, but I was able to contribute, as  
13 well.

14 Q And let's talk a little bit about your job history  
15 then, as you continued with your time at Oracle. You said  
16 you started as a software developer 2 on the Enterprise  
17 Manager Product Suite team. What next for you at Oracle?

18 A After a couple of years, I wanted to explore  
19 something new, so I looked at the internal job openings and  
20 met with several different groups, and I decided to join the  
21 Fusion Apps group, as an application developer 2.

22 Q So, when you said you looked at internal postings,  
23 those were internal job postings, right?

24 A That's right, internal job postings.

25 Q And did you apply then to a position specifically

1 within the Fusion Apps group?

2 A Yes.

3 Q And was that position posted as an applications  
4 developer 2 position?

5 A Yes.

6 Q And was there any subset of Fusion Apps in which  
7 that position was located?

8 A Yes. It was Financial Applications.

9 Q And how did the work that you did on the Fusion  
10 Financial team compare to the work that you had been doing on  
11 the Enterprise Manager Product Suite team?

12 A There were some similarities in the tech stack, it  
13 was still Java development, but this was a completely  
14 different functional area, financial applications as opposed  
15 to server technologies, and it was more development on the  
16 front end EY, in the new group.

17 Q And for those of us who aren't computer scientists  
18 by background, what does that mean that there was more work  
19 on the front end, is that work different from the work that's  
20 done on the back end?

21 A Yes. When we say front end, it's usually -- if you  
22 think of a web application, it's the web page that you might  
23 interact with, the buttons you click on, the fields where you  
24 type in text. And when we say back end, it's more kind of  
25 code behind the scenes that you don't see, but when you click

1 that button it's the code that might kick off a process or do  
2 some calculations on the back end.

3 Q And in your experience, are you drawing on  
4 different skills if you're working on the front end, versus  
5 the back end?

6 A Yes, it's different skills.

7 Q And what job title did you hold next, after  
8 applications developer 2?

9 A Application developer 3.

10 Q And how did that come about, was that a promotion?

11 A Yes, it was.

12 Q Was that still on the Fusion Financials team?

13 A Yes, the same Fusion Financials team.

14 Q And how did that promotion come about?

15 A I approached my manager to ask what are the next  
16 steps I should expect, and he clarified once I demonstrated a  
17 wider ownership of the components, meaning, you know, more  
18 responsibility of designing the technical design, as well as  
19 implementation, you know, getting my technical skills to a  
20 certain level, I would be ready. And once I reached that  
21 level, I was promoted to applications developer 3.

22 Q And how did the work that you did as an  
23 applications developer 3 compare to the work you were doing  
24 as a applications developer 2?

25 A As an applications developer 2, the requirements

1 would usually come from a manager, the technical design  
2 decisions would have already, usually, been made by that  
3 point. And I was simply implementing the portion of the web  
4 page or a web page. Whereas, in applications developer 3, I  
5 had more ownership over that part of the application. I  
6 would be involved in the process from the beginning, talking  
7 about the requirements, building the technical design,  
8 implementing, maintaining it.

9 Q So, would you say your scope of responsibility was  
10 different as an applications developer 3 versus an  
11 applications developer 2?

12 A Yes, that's right.

13 Q And would you say your duties were different?

14 A Yes. Yeah, I had more duties. Again, to think --  
15 to see the wider picture, work throughout the technical  
16 design and, you know, it was my responsibility and duty to  
17 make sure to maintain the product, if any customer issues  
18 came in, again, this is my responsibility now.

19 Q And I don't think I asked you, when did that move  
20 from applications developer 2 to applications developer 3  
21 happen?

22 A Around December 2008.

23 Q And the move from the Enterprise Manager Product  
24 Suite team to the Fusion Financials team, when had that move  
25 happened?

1 A It was around summer 2008.

2 Q Okay. So, that first promotion was about six  
3 months after you transferred teams?

4 A That's right.

5 Q Okay. And what was your next position after  
6 applications developer 3?

7 A Application developer 4.

8 Q Was that another promotion you received?

9 A Yes, that's right.

10 Q And when did that happen?

11 A It was a few years later, maybe around five years,  
12 something like that.

13 Q Okay. And how does the work that you were then  
14 doing as an applications developer 4 compare to the work you  
15 had been doing as an applications developer 3?

16 A At that point I had a lot more ownership, not just  
17 of a fragment of a web page or even a whole web page, but a  
18 portion of the application, a lot more responsibility over  
19 that. The work I was doing was now building, you know,  
20 affected a lot more different teams, just beyond just  
21 Financials. I was working on Java APIs that other pillars  
22 within Fusion Apps were also depending on and using for the  
23 applications. I was involved in just even beyond technical  
24 design to, you know, thinking about the architecture and how  
25 different groups fit in with ours.

1           Q     So, would you say your scope of responsibility  
2     changed from applications developer 3 to applications  
3     developer 4?

4           A     Yes.

5           Q     Would you say your job duties changed?

6           A     Yes.

7           Q     Were there other applications developers working on  
8     the Fusion Financials team with you?

9           A     Yes.

10          Q     And did you have insight into what work they did  
11     and how it compared to the work you did?

12          A     Somewhat, yes. Some were focused more on the UI  
13     implementation. Some were building the Automation Test  
14     Suite, to test our application from end to end. And some  
15     were working on different functionality areas.

16          Q     And did that work that they were doing draw on  
17     different skills than the work that you were doing?

18                   MS. BREMER: Objection, lack of foundation and  
19     leading.

20                   JUDGE CLARK: Lay a little more foundation, Ms.  
21     Mantoan.

22     BY MS. MANTOAN:

23          Q     So, you said you had some familiarity with the work  
24     the other team members were doing. Do you also have some  
25     familiarity with the skills that were required to do that

1 work, as opposed to the work you were doing?

2 A Yes. For example, for those who were working on  
3 the UI application, the UI front end development, they need  
4 to be a lot more focused on the look and feel of the product.

5 Those working on the back end, on the APIs, need to be more  
6 focused on performance, the time it takes to complete  
7 calculations and processes, and so on.

8 Q And where was your next position at Oracle, after  
9 you were an applications developer 4 on the Fusion Financials  
10 team?

11 A I transferred to the JET group and my title was  
12 software developer 4.

13 Q What's the JET group?

14 A It's the JavaScript Extension Toolkit.

15 Q And how did that move over to the JET team happen?

16 A So, once again, I looked at the internal job  
17 postings and met with several groups and interviewed with  
18 them, and I selected the JET group.

19 Q And so you submitted an application to move to the  
20 JET group?

21 A Yes.

22 Q And was there a job title posted on that  
23 application, like a level?

24 A Software developer 4, IC4.

25 Q And is that the title and level at which you joined

1 the JET group?

2 A Yes.

3 Q And now that you were moving over to JET, how did  
4 the work you were doing on the JET team compare to the work  
5 you had been doing on the Fusion Financials team?

6 A So, it's actually a completely different tech  
7 stack. Up to that point I had been a Java developer working  
8 more on back end APIs, and just a little bit of front end  
9 development. And now, within the JET group, it's a new  
10 programming language, a new concept, so JavaScript, CSS and  
11 HTML, which we use to develop UI components, so kind of the  
12 building blocks for an application instead of the web page.  
13 We would develop the button or the input text, or the table  
14 that an applications developer can use to build a web app.

15 Q And would you say there was a learning curve when  
16 you moved from Fusion Financials to JET?

17 A Yes. I had to switch to new programming language,  
18 I had to take some training on JavaScript. And you know,  
19 refresh CSS skills and HTML, as well.

20 Q What are CSS skills?

21 A CSS is Cascading Style Sheets, that's where we  
22 define the look and feel of the components. For example, for  
23 a button, that's where you would define the color, is there  
24 going to be a border, what is the background color, what is  
25 the font style, and so on.

1           Q     And now that you're on the JET team, were there  
2 other software developers who were on that team?

3           A     Yes.

4           Q     And did you have some familiarity with the work  
5 that they were doing, as compared to the work that you were  
6 doing?

7           A     Yes.

8           Q     And did you have some familiarity with the skills  
9 required to do that work, as compared to the skills required  
10 to do your role on the team?

11          A     Yes. So, within the JET team different software  
12 developers may own different components or parts of the  
13 framework behind them. So, for example, there may be someone  
14 working on the animation part of the components, some  
15 components are more simple, kind of static, let's say like a  
16 button versus a pop-up dialogue, which is something that you  
17 might click on something on your page and it would pop up and  
18 give you a message and some actions. There's a lot more  
19 involved, both in terms of displaying the animation of it  
20 appearing and disappearing, as well as calculations of  
21 positioning along different axis, X, Y and Z axis.

22          Q     So, would you say that the work on some of those  
23 components was more complicated than the work on some of the  
24 other components?

25                   MS. BREMER: Objection, leading.

1 JUDGE CLARK: Overruled.

2 You can answer.

3 THE WITNESS: Yes, there are different complexity  
4 levels for different components.

5 BY MS. MANTOAN:

6 Q So, even within the JET team, could you sort of  
7 stood up from your desk, walk over to the desk of another  
8 software developer and started doing their work?

9 A No.

10 Q Okay. Are you still on the JET team today?

11 A No, I'm not.

12 Q What's your current role at Oracle?

13 A I'm a software developer 4, I have transferred to  
14 the Product Development HR group.

15 Q And what's your current title -- do you have a  
16 discretionary title, one that differs from software developer  
17 4?

18 A Yes. I'm the director of Technical Programs.

19 Q And what does your work in that current role  
20 entail?

21 A So, I -- kind of in my spare time -- have been  
22 building many different types of technical programs at  
23 Oracle, from kind of causal meet and greet coffee breaks,  
24 where we discuss tech topics, especially around women in  
25 tech, as part of the Oracle Women Leadership Tech Community,

1 to larger lunch and learns where we bring guest speakers and  
2 leaders in technology to talk about careers in engineering,  
3 different products, different technologies, to workshops  
4 about how to encourage more women to present their work at  
5 conferences. And then now, as director of Technical  
6 Programs, I'm focusing my time on these efforts, as well as  
7 expanding them to campus recruiting. For example, I would  
8 help to set up a hack-a-thon on campus and bring engineers  
9 who are working on really interesting work to share it there.

10 Q You mentioned Oracle Women Leadership in that  
11 answer. Can you tell us what Oracle Women Leadership or OWL  
12 is?

13 A Sure. Oracle Women Leadership is a global  
14 initiative within Oracle. The organization is part of HR and  
15 they help support communities at different Oracle locations.

16 So, I mentioned I'm at Oracle headquarters, and I help to  
17 establish and grow the Oracle Women Leadership Tech  
18 Community. So, it kind of started as a grass roots effort  
19 and has grown into a well established community with regular  
20 events, networking, professional development opportunities.

21 Q Do you have a sense of about how many women  
22 participate in Oracle's Women Leadership Tech Community?

23 A Yes. The last I checked, it was around 1,100  
24 members at headquarters.

25 Q And if I understood your answer earlier, you've

1 recently transitioned into a role where you're focusing  
2 full-time on those sorts of efforts?

3 A Yes, that's correct.

4 Q Okay. Have you received any feedback from Oracle  
5 about your work with the Oracle Women's Leadership Tech  
6 Community?

7 A Yes. I've received an overwhelmingly positive  
8 feedback and support, both from our attendees who enjoy our  
9 events and have wonderful opportunities to connect across the  
10 organization, learn new skills, as well as very supportive  
11 sponsorship from the executive level, who sponsor our events.

12 Q And how is it that you came to transition into a  
13 role where you're focusing full-time on those efforts?

14 A So, all along we had executive support for these  
15 efforts, and then I had been in contact with Madie Cheruvu,  
16 who put us, you know, supported our efforts and put us in  
17 touch with our sponsors. And she suggested that, you know,  
18 this is a great opportunity and our group has grown so large,  
19 it's a great opportunity to focus on it full-time, and  
20 there's so much potential for the good we can do.

21 JUDGE CLARK: Would you spell Maddie Cheruvu for  
22 me?

23 THE WITNESS: Oh, sure. Madie, M-a-d-i-e, Cheruvu,  
24 C-h-e-r-u-v-u.

25 JUDGE CLARK: Thank you.

1 BY MS. MANTOAN:

2 Q And who is Madie Cheruvu, what's her role at  
3 Oracle?

4 A She's a VP for Product Management HR.

5 Q Let's talk a little bit about your compensation  
6 history at Oracle. You said you started at Oracle right  
7 after completing your degree, is that correct?

8 A Yes.

9 Q Have you received any raises during your time at  
10 Oracle?

11 A Yes, I have.

12 Q Approximately how many raises have you received?

13 A Approximately nine raises.

14 Q And that's in the, approximately, 13 years that  
15 you've been there?

16 A Yes, that's right.

17 Q Do you have a rough sense of sort of the total  
18 value of those raises, sort of the change from starting  
19 salary to your salary today?

20 A Sure. It's approximately \$50,000.00 change.

21 Q And have you received any bonuses since joining  
22 Oracle?

23 A Yes, I have.

24 Q And approximately how many bonuses, in your 13  
25 years at Oracle?

1 A Around five or six.

2 Q Have you received any equity since joining Oracle?

3 A Yes, I have.

4 Q And in your 13 years, about how many times have you  
5 received an equity award?

6 A Around five times.

7 Q Have you taken training on non-discrimination at  
8 Oracle?

9 A I've taken training, yes, I've taken training on  
10 non-discrimination, both in terms of before interviewing  
11 engineers, I took training on what is appropriate and not  
12 appropriate to mention in interviews, as well as we have sort  
13 of standard ethics and harassment trainings that cover  
14 non-discrimination, also.

15 Q And did you understand those trainings, as part of  
16 covering non-discrimination, to also cover non-discrimination  
17 with respect to pay?

18 A Yes, I understood that they covered all types of  
19 non-discrimination, including pay.

20 Q Do you believe you would have received higher  
21 compensation during your time at Oracle, if you were a man?

22 A No.

23 Q Do you believe you would have received more  
24 promotions at Oracle if you were a man?

25 A No.

1 Q Do you believe you have been disadvantaged at  
2 Oracle in any way, because of your gender?

3 A No.

4 MS. MANTOAN: I don't have any further questions at  
5 this time. Thank you.

6 JUDGE CLARK: Thank you.

7 Ms. Bremer?

8 MS. BREMER: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. BREMER:

11 Q Good morning.

12 A Good morning.

13 Q So, you mentioned several internships that you had  
14 when you were still a student, correct?

15 A Yes.

16 Q And the first one was with Amadeus?

17 A Yes, that's right.

18 Q And Amadeus provides software for the travel  
19 industry, is that right?

20 A Yes.

21 Q And in that internship, you used multiple  
22 programming languages, right?

23 A Yes.

24 Q And those included C++, Fortran and LexYak (sic)?

25 A LekYak (phonetic), yes.

1 Q Were there any others?

2 A I don't remember any others.

3 Q And you also had an internship with the American  
4 Automobile Association?

5 A Yes.

6 Q And in that internship you used LoadRunner, right?

7 A Yes.

8 Q And that's a software testing tool?

9 A That's right, yes.

10 Q And you learned many different programming  
11 languages through your master's program and your internships,  
12 correct?

13 A Yes.

14 Q In your master's degree program you also learned  
15 Java?

16 A Yes.

17 Q And XML?

18 A Yes.

19 Q And that's also a programming language?

20 A It's a definition -- yeah -- yeah -- it's a markup  
21 language.

22 Q And prior to working at Oracle, your experience was  
23 working with non-Oracle products, correct?

24 A Yes.

25 Q But your experience and education were useful to

1 you when you started working at Oracle, correct?

2 A Correct.

3 Q You talked a little bit about your recruitment to  
4 Oracle in 2006. How did you find out about the College  
5 Recruiting Program at Oracle?

6 A I think it was through a career fair probably at  
7 Stanford.

8 Q And did you provide your resume to the College  
9 Recruiting Program?

10 A Yes.

11 Q And you provided that through e-mail, right?

12 A I don't remember.

13 Q Do you recall that there was a specific College  
14 Recruiting e-mail mailbox?

15 A I really don't remember.

16 Q You talked about a screening -- an original  
17 screening interview. Was that by someone from the College  
18 Recruiting Program?

19 A Yes.

20 Q And you said you selected four to five different  
21 areas to interview with?

22 A Yes.

23 Q Which areas were those?

24 A So, Server Technology, Enterprise Manager, that's  
25 the one I went with. There was one -- I don't remember the

1 names of the groups, I think there was one that was more  
2 about testing, automation testing. There was one more about  
3 systems, operating systems, I think. And I don't remember  
4 the others.

5 Q And you were hired initially at Oracle as a  
6 software developer, correct?

7 A Yes.

8 Q In your first year at Oracle, you worked on  
9 multiple products, correct?

10 A Multiple products. I worked on Enterprise Manager,  
11 Apps Server, I think it's considered one product.

12 Q Did you work on EM Product Suite?

13 A Yes.

14 Q Did you work on ST -- I'm going to spell this out,  
15 capital S-T and then space, lower case i capital A, capital  
16 S, Rossiter (ST iAS Rossiter)?

17 A I'm not sure.

18 Q Okay. What about the Management Pack FMW  
19 Management?

20 A From what I remember, I think those were just  
21 different areas of Application Server.

22 Q So, they were different areas --

23 A And it might -- so when you say -- sorry -- can you  
24 repeat Management Pack?

25 Q FMW? Management Pack FMW, MGMT?

1           A     So, it's probably different components of the  
2 Application Server, yeah.

3           Q     Okay. So, you worked on multiple components of the  
4 Applications Server?

5           A     I don't remember exactly, but for me, you know, I  
6 considered it one product with different tech stack layers,  
7 maybe that's where those distinctions come in.

8           Q     Okay. And you worked on the different tech stack  
9 layers?

10          A     Yes.

11          Q     And during your first year at Oracle, did you have  
12 three different direct managers?

13          A     During the first how many years, sorry?

14          Q     The year that you worked at Oracle?

15          A     The first year, I remember two -- it's possible. I  
16 remember two managers that I had the first year.

17          Q     And who were they?

18          A     Rajiv Maheshwari and Sunil Kumar.

19                JUDGE CLARK: So, I'm going to need you to spell,  
20 if you can, if you remember.

21                THE WITNESS: Okay. I'll do my best. So, Rajiv,  
22 R-a-j-i-v, Maheshwari, M-a-h-e-w-a-r-i (spelled incorrectly).

23                And Sunil Kumar, S-u-n-i-l, K-u-m-a-r.

24                JUDGE CLARK: Thank you.

25                BY MS. BREMER:

1 Q And was Priti Sumal (phonetic) also a manager of  
2 yours?

3 A She was Rajiv's manager.

4 Q And when you first started working at Oracle, were  
5 you in the chain of command that rolled up to Charles Rozwat?

6 A I don't remember.

7 Q Do you know if it ultimately rolled up to Larry  
8 Ellison?

9 A I'm not sure, I think so, I'm not sure.

10 Q In 2008 you transferred from Software Development  
11 to Applications Development, correct?

12 A Yes.

13 Q And did you apply online for the transfer from  
14 software developer to applications developer?

15 A Yes.

16 Q And your global career level remained the same at  
17 the time of your transfer, correct?

18 A Yes.

19 Q And your salary remained the same?

20 A Yes.

21 Q And when you transferred from Software Development  
22 to Applications Development, you began reporting to a new  
23 manager, correct?

24 A Yes.

25 Q And what was that manager's name?

1           A     Venkatesh Medikonduru.

2                   MS. BREMER:  You need the spelling?

3  BY MS. BREMER:

4           Q     Yes, why don't you go ahead and spell that?

5           A     V-e-n-k-a-t-e-s-h, and Medikonduru is  
6  M-e-d-i-k-o-n-d-u-r-u.

7                   JUDGE CLARK:  Thank you.

8  BY MS. BREMER:

9           Q     And was that manager a male or a female?

10          A     Male.

11          Q     Okay.  And did that manager report up to Steve  
12  Miranda?

13          A     Yes.

14          Q     And at the time of your transfer, Steve Miranda  
15  reported to Thomas Kurian?

16          A     Yes, I believe so.

17          Q     And Thomas Kurian reported to Larry Ellison, right?

18          A     I believe so.

19          Q     When you transferred into Applications Development,  
20  you began working on the Fusion Financials Development?

21          A     Yes.

22          Q     And you had not had prior experience working on  
23  financial products, had you?

24          A     No.

25          Q     But your software development experience was

1 helpful in working with this new product, correct?

2 A Yes.

3 Q And it prepared you to become an applications  
4 developer?

5 A Yes.

6 Q A few months after moving from Software Development  
7 to Applications Development, your global career level changed  
8 from IC2 to IC3, correct?

9 A Yes.

10 Q And your salary did not change from your start date  
11 at Oracle in 2006, until 2010, correct?

12 A I don't remember.

13 Q Do you remember when your first salary increase  
14 was?

15 A No, I don't remember.

16 MS. BREMER: Could we look at J-132, please?

17 MS. MANTOAN: So, I'm going to object that this is  
18 showing information for other individuals, so I think that  
19 it's not proper to be showing this witness the compensation  
20 information of individuals.

21 JUDGE CLARK: I don't have it in front of me, but  
22 if that's correct, Ms. Bremer, maybe you can just show the  
23 portion you want to show and take the other names off the  
24 list.

25 MS. MANTOAN: So, I'd ask that it be taken down

1 from the screens.

2 JUDGE CLARK: I would agree.

3 MS. BREMER: Okay. While we're waiting for that, I  
4 can move on to a few more questions.

5 JUDGE CLARK: Okay.

6 BY MS. BREMER:

7 Q Did you work with any Oracle recruiters in  
8 transferring positions?

9 A I don't think so. I think I just went through --  
10 applied online and talked to my manager, he may have worked  
11 with the recruiters, I'm not sure.

12 MS. BREMER: Are you ready?

13 JUDGE CLARK: So, we can probably take a morning  
14 break at some point, as well, unless you -- do you have a lot  
15 more of this witness, Ms. Bremer? I'm not trying to cut you  
16 off, I just want to know.

17 MS. BREMER: It's not a lot more, no, Your Honor.

18 JUDGE CLARK: Okay. We'll just push through.

19 MS. BREMER: Okay.

20 So, looking at J-132, this is data that we received  
21 from Oracle.

22 BY MS. BREMER:

23 Q You see your name there in Column B?

24 A Yes.

25 Q And it indicates a base pay date -- and this is

1 looking at line or row 76929 in the data -- starting salary  
2 \$9,000.00. Does that look about right?

3 A Ninety thousand.

4 Q I'm sorry -- that's me missing a zero. Yes, your  
5 starting pay was \$90,000.00.

6 A Yes, that's right.

7 Q And then if you look at the next line down, it  
8 shows that there was a change on July 1st, 2010, does that  
9 look a bit -- does that look correct?

10 A Yes, it looks correct.

11 Q And at that point there was a change to  
12 \$100,000.00?

13 A That's right.

14 Q Does it refresh your recollection as to your salary  
15 increases?

16 A This looks correct. I really don't remember, this  
17 is the first time I'm looking at it in this detail.

18 MS. MANTOAN: So, I would object to this personal  
19 information of hers staying up any longer than is necessary,  
20 or reading any more of it than is necessary.

21 MS. BREMER: Okay.

22 JUDGE CLARK: Overruled. It's your witness, I'm  
23 going to let her ask the questions, and if you're done with  
24 the exhibit we can take it down.

25 MS. BREMER: We can take that exhibit down right

1 now.

2 BY MS. BREMER:

3 Q So, from 2009 to 2015, you worked on Oracle's  
4 Fusion Applications, correct?

5 A Yes.

6 Q And you acted as a liaison across all Fusion  
7 families?

8 A Yes, for part of that time, yeah.

9 Q And what were the Fusion families?

10 A They include HCM, that's around Human Resources,  
11 SCM, I believe that's Suppliers, Projects, and a couple of  
12 others, that's what I can remember for now.

13 Q And those are all products that are under Steven  
14 Miranda?

15 A Yes.

16 Q And you also coordinated team work across multiple  
17 organizations?

18 A I did later on, yes.

19 Q And when was that?

20 A I believe it was when I was applications developer  
21 4, the last project that I worked on we coordinated with  
22 organizations outside of Fusion Financials.

23 Q And what organizations were those?

24 A Some of them were TAS -- I don't recall what it  
25 stands for, it's the Tenant Automation System, maybe that's

1 it. And some within Server Technologies, as well.

2 Q And what about -- was it also with Cloud Portal?

3 A Yes.

4 Q And something called R-U-E-I?

5 A RUEI, yes, that's right.

6 Q And in 2011, you became a project leader, correct?

7 A Yes.

8 Q And you remained a project leader until 2015?

9 A That sounds right, yeah.

10 Q And you remained an IC3 from 2008 until September  
11 2015?

12 A That's probably right, yeah.

13 Q Do you know the salary grid associated with IC3?

14 A I don't.

15 Q In May 2018, you moved back into Software  
16 Development, correct?

17 A Yes.

18 Q And when you moved back to Software Development,  
19 you started working on Oracle's Cloud products, correct?

20 A Cloud Platform, yes.

21 Q And your global career level did not change when  
22 you transferred from Applications Development to Software  
23 Development, correct?

24 A Correct.

25 Q And even though you transferred to Software

1 Development, you were still under Thomas Kurian, correct?

2 A Yes.

3 MS. BREMER: Okay. I'd like to show what's been  
4 marked as J-162 in the Employee Assignment Tab.

5 MS. MANTOAN: Your Honor, I would ask that OFCCP  
6 identify how they -- they've obviously created a new sheet  
7 within this tab, so what's the selection criteria within this  
8 file that indicates what piece of it is being shown?

9 JUDGE CLARK: Ms. Bremer?

10 MS. BREMER: It's lines 9954 through 9960, and if  
11 you see the name it's -- these are the lines showing for Ms.  
12 Chechik.

13 MS. MANTOAN: Thank you.

14 MS. BREMER: Which is shown in Column B. And if  
15 you look at Column D, it shows the start date for a position  
16 and Column E shows the end date for a position.

17 BY MS. BREMER:

18 Q Let's look at Column R. We talked previously about  
19 organizations or you testified earlier about organizations.  
20 Do you recognize these organization names?

21 A Yes.

22 Q And are these organization names that you worked  
23 under?

24 A Yes.

25 Q And it lists -- the ones listed on this particular

1 document, page, this doesn't show the entire history of your  
2 career at Oracle, but it shows the Fusion Financials  
3 Development, the Applications Development, Cloud, JET,  
4 organization names. Do you recall the other organization  
5 names that you worked in?

6 A I don't know what they would be at an organization  
7 level. The first one I had mentioned and you had is Server  
8 Technologies.

9 Q Do you know how many organization names that you  
10 worked with?

11 A I'm not sure.

12 Q If you look at Column W, it lists supervisors.  
13 Were these five additional supervisors that you had while  
14 working at Oracle?

15 A Yes.

16 Q And in 2018 you had four different supervisors,  
17 correct?

18 A Correct. I don't see a date. It's probably  
19 correct.

20 Q If we go back to Column D and E, those show -- D  
21 and E show the start and end dates for the positions. So, if  
22 you look at the first five rows, those are all from 2018. Do  
23 you see that?

24 A Okay. Yes.

25 Q How did you end up with five different supervisors

1 in 2018?

2 A So, some of these were through a transition. For  
3 example, I start, in 2018, reporting to Joshua Gould, and  
4 there was a reorganization within the department and I was  
5 very temporarily placed under Usha, I believe that was just a  
6 few weeks, until the group was being moved under Harsh  
7 (phonetic), that's line 5. And at that time I was exploring  
8 other options and I transitioned to Maria Kaval's group, she  
9 is the group VP. And specifically, I joined Minh Lu's team.  
10 So, some of these might have been just a few weeks while I  
11 was transitioning.

12 Q And did you apply to be in Ms. Usha -- how do you  
13 pronounce her last name?

14 A Thothathri.

15 Q Did you apply to be in her group?

16 A No. She was Joshua Gould's manager. And when the  
17 reorganization happened and he was laid off, I was  
18 temporarily reporting to her. I'm guessing -- yeah.

19 Q And then you also didn't apply to be in Mr. Takel's  
20 (phonetic) group?

21 A No, I did not apply to be in his group. I believe  
22 the majority of the engineers, who had formerly reported to  
23 Joshua Gould, were placed in his group.

24 Q Okay.

25 MS. BREMER: And then if you could scroll down to

1 the -- Kaval.

2 BY MS. BREMER:

3 Q And then in Column Q, on this row that has Ms.  
4 Kaval, there's a vacancy ID number, do you see that?

5 A Yes.

6 Q Do you know what a -- you talked about job  
7 postings, previously, have you heard the term: "vacancy ID"  
8 or "requisition ID number"?

9 A I've heard "requisition ID."

10 Q Okay.

11 MS. BREMER: So, I'm going to show you the  
12 requisition number or the requisition that is associated with  
13 this requisition number, which is IRC3699638. And it is in  
14 document J-162, I believe.

15 MS. MANTOAN: We're looking at J-162.

16 MS. BREMER: Oh, it's in D-309 -- 307.

17 MS. MANTOAN: D-307.

18 BY MS. BREMER:

19 Q Okay. So, if you look at Column E, you see the  
20 same requisition number that we were just talking about,  
21 3699638?

22 A Okay. Yep.

23 Q And if you -- the job that you applied to was a  
24 software developer 4 job, correct?

25 A Yes.

1 Q And if you look at Column W, is this the text of  
2 the requisition that you applied for?

3 A It looks right. I'm not sure, I don't remember.

4 Q And at the time that you applied, you had 12 years  
5 of experience at Oracle, correct?

6 A In 2018 -- almost 12 years, yeah.

7 Q And you also had experience from interning?

8 A Yes.

9 Q And the job that you applied to required a minimum  
10 of seven years experience, correct?

11 A Yes, it looks like it.

12 Q And there were no specific programming languages  
13 required?

14 A I don't see specific programming languages, no.

15 Q Okay. And Column H shows the name of a recruiter,  
16 Ms. Arnold. Did you have any contact with a recruiter when  
17 you applied for the position of software developer 4?

18 A I contacted a recruiter, but not Ms. Arnold, just  
19 to discuss the start date after I went through the  
20 application process for this position.

21 Q We talked previously about the programming  
22 languages that you learned when you were an intern, and as a  
23 student, correct?

24 A Yes.

25 Q At Oracle you learned additional programming

1 languages, right?

2 A Yes, yes.

3 Q And those included PLSQL?

4 A Yes.

5 Q And Salenium?

6 A Salenium is not a programming language.

7 Q Okay. What is that?

8 A It's a testing tool.

9 Q Okay. And what about Python?

10 A Yes. Yes, it's a programming language that I  
11 learned at Oracle.

12 Q Okay. Are there other programming languages you  
13 learned while working at Oracle?

14 A There might have been a couple of scripting  
15 languages that I wrote some small scripts along the way,  
16 yeah.

17 Q And you've been a leader at Oracle, correct?

18 MS. MANTOAN: Objection, vague.

19 JUDGE CLARK: Sustained. Rephrase your question.

20 BY MS. BREMER:

21 Q You were a project leader from 2009 to 2015?

22 A Yes.

23 Q And since 2015, you were a leader regarding Fusion  
24 products on the Cloud?

25 MS. MANTOAN: Objection, vague.

1 JUDGE CLARK: Overruled.

2 THE WITNESS: I was a technical leader, yeah.

3 BY MS. BREMER:

4 Q Okay. And you acted as a liaison across all Fusion  
5 products?

6 MS. MANTOAN: Objection, misstates prior testimony.

7 JUDGE CLARK: Overruled.

8 You can answer the question.

9 THE WITNESS: Yes.

10 BY MS. BREMER:

11 Q And you were a liaison regarding all the Fusion  
12 teams, as well?

13 A Not all the Fusion teams, several, several Fusion  
14 teams.

15 Q And you've coordinated team work across multiple  
16 organizations?

17 A Yes.

18 Q And you have also been a leader within OWL,  
19 correct?

20 A Yes.

21 Q And in 2018 Oracle awarded you as an industry  
22 leader at the Oracle Women's Leadership Conference, right?

23 A It was the Professional Business Women of  
24 California that awarded me the prize for Oracle.

25 Q And you've been a speaker at the Grace Hopper

1 Conference?

2 A Yes.

3 Q And in 2017 you were featured on Oracle's Facebook  
4 page, Explore Oracle, correct?

5 A That sounds right, probably.

6 Q And that Facebook page promotes Oracle?

7 A I believe so.

8 Q And you've been -- since the time that you started  
9 in Oracle in 2006, you've been an individual contributor,  
10 correct?

11 A Yes.

12 Q You've never had a management position?

13 A I never had a management position, correct.

14 Q And are you aware that Oracle has salary ranges for  
15 each job title in each global career level?

16 A Yes.

17 Q Are you aware that your salary has been at,  
18 approximately, the midpoint of the salary range since 2013?

19 A No, I don't know where I am on the range.

20 Q In September of 2019, you signed a declaration for  
21 Oracle in this case, correct?

22 A Yes.

23 Q And prior to signing the declaration, you were  
24 contacted by Oracle's attorneys to provide the declaration?

25 A Yes.

1 Q How many times prior to signing the declaration did  
2 you meet with Oracle's attorneys?

3 A Maybe around three times.

4 Q And when you gave that declaration, you were still  
5 a software developer 4, correct?

6 A Yes.

7 Q And since providing that declaration, you're now a  
8 director of Technical Programs at Oracle?

9 A I'm still a software developer 4. My discretionary  
10 title has changed.

11 Q Okay. And when did your discretionary title  
12 change?

13 A Around start of November, end of October,  
14 approximately.

15 Q And your global career level did not change with  
16 the change in your discretionary title?

17 A No.

18 Q Has your pay changed since September 2019?

19 A No.

20 MS. BREMER: That's all I have.

21 JUDGE CLARK: Ms. Mantoan, anything further?

22 MS. MANTOAN: Just a very few questions, Your  
23 Honor.

24 REDIRECT EXAMINATION

25 BY MS. MANTOAN:

1           Q     Ms. Chechik, you looked through as number of  
2 management changes in calendar year 2018, on cross, do you  
3 recall that?

4           A     Yes.

5           Q     You were only on two teams in 2018, correct?

6           A     That's right, yes.

7           Q     That was the Fusion team and the JET team, is that  
8 right?

9           A     Yes.

10          Q     Okay. She also showed you a portion of a job  
11 posting, do you recall that?

12          A     Yes.

13          Q     Do you recall if that was the entire posting of the  
14 job or not?

15          A     I don't recall.

16          Q     Okay. You discussed with Ms. Bremer the fact that  
17 you're acquainted with a number of different programming  
18 languages, do you recall that?

19          A     Yes.

20          Q     Are you equally proficient in all of those  
21 programming languages?

22          A     No.

23          Q     And does your work at Oracle draw on some of those  
24 programming languages and not others?

25          A     Each project requires different programming

1 languages.

2 Q And did your work in the OWL technical community  
3 start in September of this year or did it start earlier in  
4 time?

5 A No, it started maybe 10 to 12 years ago.

6 Q And did your work with Ms. Cheruvu on that  
7 initiative also date back years?

8 A Yes, many years.

9 MS. MANTOAN: No further questions.

10 JUDGE CLARK: Anything further, Ms. Bremer?

11 MS. BREMER: No, Your Honor.

12 JUDGE CLARK: Ms. Chechik, thank you so much for  
13 your time, you are free to go. You are excused as a witness.

14 THE WITNESS: Thank you.

15 JUDGE CLARK: Thank you.

16 (Witness excused.)

17 JUDGE CLARK: Any further witnesses on behalf of  
18 Oracle?

19 MS. CONNELL: No, Your Honor.

20 JUDGE CLARK: Ms. Bremer, are you going to be  
21 requesting any rebuttal?

22 MS. BREMER: No, Your Honor.

23 JUDGE CLARK: Okay. We're going to take a  
24 10-minute break and then we're going to come in and finish up  
25 with the exhibits and finish up briefing and that sort of

1 thing. I have a list of -- sort of my working list that I  
2 made for everybody -- of what's left to be discussed. But I  
3 gave you sort of a head's up just a moment ago, so I'm going  
4 to hand that to you and then we'll be off the record for 10  
5 minutes.

6 MS. CONNELL: Okay.

7 JUDGE CLARK: Off the record.

8 (Off the record at 11:08 o'clock a.m.)

9 JUDGE CLARK: Okay. We're back on the record.

10 So, we took our brief recess. Any further  
11 witnesses on behalf of Oracle?

12 MS. CONNELL: No, Your Honor.

13 JUDGE CLARK: Subject to the admission of exhibits,  
14 including the depositions, anything further on behalf of  
15 Oracle?

16 MS. CONNELL: No, Your Honor.

17 JUDGE CLARK: Okay. Any request for rebuttal  
18 evidence on behalf of OFCCP?

19 MS. BREMER: No, Your Honor.

20 JUDGE CLARK: Subject to the same request, subject  
21 to the exhibits, the depositions and such, anything further  
22 on behalf of OFCCP?

23 MS. BREMER: No, Your Honor.

24 JUDGE CLARK: Okay. Then we've reached the  
25 conclusion of the case. I'm not taking the matter under

1 submission yet, there's a few things we need to discuss.  
2 Actually, let's go off the record briefly and I'll sort of  
3 put it out there, because we may have to just discuss it and  
4 I don't think it needs to be on the record at this point.

5 So, we'll be off the record.

6 (Off the record at 11:39 o'clock a.m.)

7 JUDGE CLARK: We're back on the record.

8 Okay. I've talked with counsel regarding just some  
9 housekeeping issues, as we've concluded the evidence here in  
10 this case. We're going to need a physical copy of the  
11 evidence, Mr. Parker. I think I have OFCCP's, as Mr. Garcia  
12 indicated. You're going to deliver yours by close of  
13 business tomorrow, correct?

14 MR. PARKER: Yes.

15 JUDGE CLARK: The deposition -- the agreement of  
16 the depositions, I was going to give you until Friday at 3:00  
17 o'clock p.m., I think that's what we agreed to?

18 MR. PARKER: Yes.

19 JUDGE CLARK: There's a confidentiality issue  
20 outstanding and you were talking about extending that  
21 time-frame. You were going to meet and confer and agree to  
22 that by close of business Thursday, or just go with the  
23 outline that I put in the prior order.

24 Understood, Ms. Bremer, any questions?

25 MS. BREMER: No, Your Honor.

1 JUDGE CLARK: Mr. Parker?

2 MR. PARKER: No -- clear.

3 JUDGE CLARK: Okay. In terms of -- well, I'll get  
4 to closing arguments in a minute. There's still a few  
5 outstanding exhibits here and I gave you a list of just what  
6 I've been tracking as the outstanding exhibits. So, we have  
7 the depositions that should be resolved in the next couple of  
8 days here. There's a few that were under submission, subject  
9 to foundation. First is Plaintiff's 93. I don't recall what  
10 that was, Mr. Garcia?

11 MR. GARCIA: That was the interview statement of  
12 Mr. Loaiza, Your Honor.

13 JUDGE CLARK: Okay.

14 MR. GARCIA: We will not be entering it into  
15 evidence.

16 JUDGE CLARK: So, 93 is withdrawn?

17 MR. GARCIA: Yes, Your Honor.

18 JUDGE CLARK: Any objection?

19 MS. CONNELL: No.

20 JUDGE CLARK: Plaintiff 93 is withdrawn.

21 (Plaintiff Exhibit No.

22 93 was withdrawn.)

23 JUDGE CLARK: There were two other exhibits that  
24 were marked yesterday, Plaintiff's 506 and Plaintiff's 507,  
25 which I renumbered today 513 and 514. Earlier today you were

1 not going to admit those. Are you going to withdraw those or  
2 do you just want to leave them as part of the record?

3 MR. GARCIA: Part of the record, as marked for  
4 identification, Your Honor.

5 JUDGE CLARK: Okay. Then they're not admitted, but  
6 they'll remain part of the record. And I think that takes  
7 care of all of the Plaintiff Exhibits. Have I missed  
8 anything, as far as you can tell, Mr. Garcia?

9 MR. GARCIA: No, Your Honor.

10 JUDGE CLARK: And then regarding Oracle's Exhibits,  
11 I show Defense 90 and 91 were under submission, subject to  
12 foundation.

13 MS. CONNELL: We'll withdraw those, Your Honor.

14 JUDGE CLARK: And then Defense 93?

15 MS. CONNELL: Withdraw that, as well.

16 JUDGE CLARK: Ninety-six?

17 MS. CONNELL: Withdrawn.

18 JUDGE CLARK: Ninety-seven?

19 MS. CONNELL: Withdrawn.

20 JUDGE CLARK: And then 99 through 106.

21 MS. CONNELL: Withdrawn.

22 JUDGE CLARK: I'll show all those withdrawn.

23 (Defendant Exhibit Nos.

24 90, 91, 93, 96, 97,

25 99 through 106, were



1           JUDGE CLARK: Okay. Then we're turning to closing  
2 arguments now. So, the parties have agreed to extend the  
3 timelines of the regulations, subject to receipt of the  
4 transcript. I assume you're going to have a transcript by  
5 the end of January and I've set dates. I prefer to set dates  
6 certain, we can certainly move them, it's not a problem if  
7 you agree you need extensions, you just have to meet and  
8 confer and let me know.

9           So, April 10th, 2020 is the date for simultaneous  
10 closing briefs. We've agreed to 40 pages for closing  
11 argument. In addition, the parties can have 15 additional  
12 pages for findings of fact, only, with citations to the  
13 record. So, that would be a total submission of 55 pages on  
14 April 10th, 2020.

15           April 24th, 2020, for simultaneous reply briefs,  
16 which are limited to 15 pages, directly responding to  
17 anything in the other -- in the arguments.

18           Okay. Have I missed anything, Ms. Bremer?  
19 Anything you'd like to discuss before we go off the record?

20           MS. BREMER: No, Your Honor.

21           JUDGE CLARK: And Ms. Connell?

22           MS. CONNELL: No, Your Honor.

23           JUDGE CLARK: Okay. Then I think we've concluded  
24 our hearing here today. I want to thank everybody, thank all  
25 of your staffs -- Cliff, I know your name from Oracle, thanks

1 for setting up these screens for us. And I didn't ever catch  
2 your name, but thank you for your help getting the evidence  
3 up on the exhibits, as well. And thank you to all the  
4 attorneys who appeared, you guys had a slew of people come  
5 through, so thank you all.

6 Happy Holidays to everybody.

7 We're off the record. Thank you all.

8 (Whereupon, the proceedings concluded at 11:34  
9 o'clock a.m.)

10 ---o0o---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

REPORTER'S CERTIFICATE1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

TITLE: Federal Contract Compliance Programs v. Oracle  
America, Inc.

CASE NUMBER: 2017-OFC-00006

OWCP NUMBER: N/A

DATE: December 17, 2019

LOCATION: San Francisco, CA

This is to certify that the attached proceedings  
before the United States Department of Labor, were held  
according to the record and that this is the original,  
complete, true and accurate transcript which has been  
compared to the reporting or recording accomplished at the  
hearing.

---

SIGNATURE OF REPORTER

---

DATE