

1 UNITED STATES DEPARTMENT OF LABOR
 2 OFFICE OF ADMINISTRATIVE LAW JUDGES
 3
 4 OFFICE OF FEDERAL CONTRACT) OALJ Case No.
 COMPLIANCE PROGRAMS, UNITED) 2017-OFC-00006
 5 STATES DEPARTMENT OF LABOR,)
) OFCCP No.
 6 Plaintiff,) R00192699
)
 7 vs.)
)
 8 ORACLE AMERICA, INC.)
)
 9 Defendants.)
 _____)
 10
 11
 12
 13 VIDEOTAPED DEPOSITION OF JUAN LOAIZA
 14 San Francisco, California
 15 Friday, June 14, 2019
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 20
 21
 22
 23
 24 Reported by:
 Ashley Soevyn,
 CSR No. 12019
 25 Job No. 190614ASE

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 2
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3

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 10
 11
 12
 13 Videotaped Deposition of Juan Loaiza
 14 taken on behalf of the Plaintiff, U.S. Department of
 15 Labor Office of the Solicitor, at 90 7th Street,
 16 San Francisco, California, beginning at 9:18 a.m.
 17 and ending at 4:18 p.m. on Friday, June 14, 2019,
 18 before ASHLEY SOEVYIN, Certified Shorthand Reporter
 19 No. 12019.
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 24
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2

1 I N D E X
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 4 EXAMINATION BY: PAGE
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1 PROCEEDINGS

2 THE VIDEOGRAPHER: Good morning. This is

3 the videotaped deposition of Juan Loaiza in the

4 matter of Office of Federal Contract Compliance

5 Programs, United States Department of Labor versus

6 Oracle America, Inc., OALJ Case No. 2017-0FC-00006.

7 This deposition is being held at 90 7th

8 Street, Room B140, San Francisco, California.

9 Today's date is June 14th, 2019. The time on the

10 video monitor is 9:18 a.m.

11 My name is Marcus Majors, certified legal

12 video specialist with Gradillas Court Reporters

13 located at 520 North Central Avenue, Suite 720,

14 Glendale, California 91203.

15 Would all counsel present please

16 introduce themselves.

17 MR. GARCIA: Norm Garcia for OFCCP.

18 MS. COCKETT: Kiesha Cockett for OFCCP.

19 MR. SHWARTS: Robert Shwarts and Kayla

20 Grundy, Orrick Herrington & Sutcliffe, on behalf of

21 Oracle America.

22 THE VIDEOGRAPHER: Thank you.

23 Will the court reporter please swear in

24 the witness.

25 THE REPORTER: Sure. Can I have you

8

1 please raise your right hand.
2
3 JUAN LOAIZA,
4 having been administered an oath, was examined and
5 testified as follows:
6 EXAMINATION
7 BY MR. GARCIA:
8 Q And just to be clear, I'm from OFCCP.
9 Okay.
10 So good morning, Mr. Loaiza. Am I saying
11 it --
12 A Loaiza. Loaiza.
13 Q Loaiza. Thank you.
14 Can you please state your full name --
15 A Name's --
16 Q -- for the court reporter?
17 A -- Juan Loaiza.
18 Q Please spell your first and last name.
19 A J-U-A-N, then L-O-A-I-Z-A.
20 Q So you have been sworn in by the court
21 reporter. You've taken the same oath that you'd
22 take in a court of law, so we'd ask you to please
23 tell the truth.
24 I'm first going to go over some rules of
25 the deposition and then I'm going to do some

9

1 be some questions that are going to go back a few
2 years. And you may not remember everything, but I
3 would ask you to give me your best estimate. For
4 example, if I ask you when something occurred in
5 2017 and you don't know the exact date and time it
6 occurred but you know it occurred in January, then I
7 would ask you to tell me that it occurred in
8 January.
9 Now, I'm going to ask you some questions,
10 and if you don't -- I think they're perfectly
11 understandable questions, but you may think you
12 don't understand them or you don't understand them,
13 then tell me that, and then I will rephrase them so
14 that you could understand them.
15 Now, before when I said I -- I want you
16 to give me your best knowledge and to estimate if
17 you can, one thing I don't want you to do is to
18 speculate and guess, okay? So tell me what you
19 know. Don't guess. It's allowable to say that you
20 don't know or don't remember.
21 Do you understand all the instructions I
22 provided you thus far?
23 A Yes.
24 Q Can you help me and comply with it?
25 A Yes.

11

1 definitions and then we'll get into the questions
2 themselves.
3 So the court reporter will transcribe
4 everything that is said today. It's important that
5 only one person speak at a time. There is going to
6 be times where you know where I'm heading with the
7 question and you already have the answer formulated.
8 I would ask you to be patient and wait for me to
9 finish my question and then answer. I will try the
10 same.
11 There will be some times where we forget
12 because we're so involved in it --
13 A Uh-huh.
14 Q -- and so I will just ask you as much as
15 possible.
16 Because the court reporter is
17 transcribing everything that's said today, it's hard
18 for her to interpret sounds like uh-huh, huh-uh, so
19 I would ask you to answer orally like "yes" or "no."
20 It's also, she needs words as opposed to
21 nodding your head or shaking your head no or
22 shrugging your shoulders because, again, it's hard
23 to interpret exactly what that means.
24 Now you must answer each question I ask
25 today to the best of your ability. There's going to

10

1 Q Thank you.
2 Now, your --
3 MR. GARCIA: Have you sworn in him?
4 THE REPORTER: Yes.
5 MR. GARCIA: That's what I thought.
6 Okay. Thank you.
7 BY MR. GARCIA:
8 Q You have your attorneys here for you.
9 They will make objections. After they finish making
10 objections, then I will ask you to answer the
11 question unless they instruct you not to answer
12 that.
13 Can you do that for me?
14 A Okay. Yes.
15 Q Okay. So are you taking any medication
16 or under the influence of any substance that can
17 impair your ability to give truthful testimony
18 today?
19 A I -- I am not.
20 Q Great.
21 Do you have any physical, emotional,
22 mental or spiritual condition that will affect your
23 ability to give truthful testimony today?
24 A I do not.
25 Q That's what I like to hear.

12

1 So the last rule is, as we discussed
2 before the depo, if you need to take a break, then
3 tell us and we'll take a break. The only exception
4 to that will be if I'm in the middle of a
5 question or a couple questions, I will ask you to
6 answer the questions before take a break.
7 As you see, we don't have bright
8 spotlights on you and we're in the dark. Everything
9 is open here, and we want to make it as pleasant for
10 you as possible.
11 You understand that?
12 A Yes.
13 Q Great. Okay. So let's get to the
14 definitions.
15 Any time I say "Oracle," I mean Oracle
16 America Incorporated.
17 Do you understand that?
18 A Yes.
19 Q And any time I say "DOL," I mean the
20 United States Department of Labor.
21 Do you understand that?
22 A Yes.
23 Q And any time I say "OFCCP," I mean the
24 Office of Federal Contracts Compliance Programs at
25 DOL.

13

1 A No documents.
2 Q Did you read any interview statements in
3 preparation for your deposition today?
4 A No.
5 Q Did you read any deposition transcripts
6 in preparation for your deposition today?
7 A No.
8 Q Did anybody read you any documents in
9 preparation for your deposition today?
10 A No.
11 Q Have you ever had your deposition taken
12 before?
13 A No.
14 Q Well, this is your first time.
15 A It's my first time.
16 Q So again, try to make it pleasant for
17 you.
18 Who is your present employer?
19 A Oracle Corporation.
20 Q And how long have you worked for Oracle?
21 A A little over 30 years.
22 Q Well, congratulations.
23 Did you have any break in that work for
24 Oracle, or was it a continuous 30 years?
25 A Continuous 30 years.

15

1 Do you understand that?
2 A Yes.
3 Q And all of my questions are going to
4 involve Oracle at Redwood Shores unless I say
5 something differently.
6 Do you understand that?
7 A Yes.
8 Q Okay. So now we get to go into the fun
9 part, the questions.
10 A Okay.
11 Q Did you do anything to prepare for your
12 deposition here today?
13 A I met with our counsel.
14 Q And how long did you meet with counsel?
15 A Two, three hours, something like that.
16 Couple of hours.
17 Q Okay.
18 A Yeah.
19 Q And did you meet with them yesterday?
20 A No.
21 Q Did you talk to anyone else about your
22 deposition today other than counsel?
23 A No.
24 Q Did you review any documents in
25 preparation for your deposition today?

14

1 Q Again, congratulations. That's rare
2 these days.
3 What is your current position?
4 A My current position is senior vice
5 president of mission critical databases.
6 Q And how long have you held that position?
7 A I need to correct that. Executive vice
8 president of -- of mission critical databases.
9 Q Oh, congratulations.
10 A That has been since around December.
11 Q Of 2018?
12 A Correct.
13 Q And what --
14 A Before that, I was senior vice president.
15 Q Okay. Again, congratulations.
16 How long did you hold that senior vice
17 president position?
18 A I honestly don't remember.
19 Q Can you estimate?
20 A Roughly ten years.
21 Q That's fine. I'm just trying to get a --
22 A Yeah.
23 Q -- a feel --
24 A Yes.
25 Q -- for it. I'm not going to say, okay,

16

1 it was December 31st, 2008.
2 Okay. So what is your current -- do you
3 know what a global career level is?
4 A Yes.
5 Q What is your current global career level?
6 A I --
7 Q Are you an M8?
8 A I think it's M8.
9 Q Okay.
10 A I think that's correct.
11 Q Thank you.
12 And what is your current job specialty?
13 A My job specialty is engineering of
14 database technologies.
15 Q And what line of business are you in?
16 A It's a database business.
17 Q Are you in a formal organization like
18 product development as a line of business?
19 A Yes, it's -- our engineering or product
20 development organization. That's correct.
21 Q Okay. Thank you.
22 People call it different names.
23 A Yes.
24 Q That's just why I'm trying to clarify it.
25 And when you were the senior vice

17

1 A Yeah.
2 Q -- and with Oracle and -- and the thing
3 ...
4 I will say that my questions now will be
5 from 2013, January 1st, to -- to right before you
6 got promoted -- or to when you were promoted to an
7 executive vice president, okay?
8 A So 2013 through '18?
9 Q Yeah. Did your direct reports change all
10 that much during that time?
11 A I added some number of direct reports,
12 probably three or --
13 Q Okay.
14 A -- four, something -- something in that
15 range.
16 Q Can you give me all the direct reports
17 during that six-year span?
18 A I can --
19 Q As many -- as many as you can.
20 A Yes, exactly.
21 Q Thank you.
22 A So during that six-year span. Okay. Wei
23 Hu, Sumanta Chatterjee, Maria Colgan, Tim Shetler,
24 Kathanda Umamageswaran, Steve Wertheimer. There's
25 several that are still missing here. During that

19

1 president when you -- were you in the same
2 organization and same line of business?
3 A Yes, I was.
4 Q What -- I'm going to refer back to when
5 you were the senior vice president. What were your
6 duties and responsibilities then?
7 A I -- I own development of a portion of
8 our database product and of the product management
9 of a portion of our database product.
10 Q And how many -- were you -- by nature of
11 your job being a senior vice president, did you have
12 direct reports?
13 A Yes, I did.
14 Q How many?
15 MR. SHWARTS: Objection. Vague as to
16 time.
17 BY MR. GARCIA:
18 Q I'm talking about when you were the
19 senior VP.
20 MR. SHWARTS: It's a ten-year period, so
21 I just want to make sure.
22 MR. GARCIA: Okay. It changed a lot
23 during that ten-year period.
24 BY MR. GARCIA:
25 Q I can imagine --

18

1 time, I also had Rich Long, Richard Long.
2 Q That's enough.
3 A Okay. Okay.
4 Q Approximately during that time period,
5 how many people was in your organization?
6 A The entire organization?
7 Q Yeah. Roughly. I'm looking for an
8 estimate again --
9 A Yeah. So --
10 Q -- to get a feel.
11 A -- in that time span, probably somewhere
12 between three to 400 to a thousand.
13 Q Okay.
14 A It varied in that -- in that range.
15 Q Okay. And did your organization have any
16 different names other than the one you told me that
17 you were the senior vice president of?
18 A Yes. It was previously named Systems
19 Technology Organization.
20 Q Okay. And when did --
21 A I'm sorry, Database Systems Technology to
22 be more precise.
23 Q And when did the name change?
24 A Changed around the end of 2018.
25 Q Okay. And what was the mission or

20

1 purpose of your organization other than databases?
2 Did you do cloud? Did you have any focus areas
3 other than the big term databases?
4 **A** Yeah. So developing database
5 technologies, within that, we had to focus on things
6 like cloud, high variability, high performance,
7 transaction processing. Those are -- those are some
8 of the big focuses.
9 **Q** Okay. So did you have people within your
10 organization who had a product development job
11 function?
12 **A** Yes, the large majority of my
13 organization has product development.
14 **Q** That was my next question, what -- what
15 was that.
16 What is your highest level of education?
17 **A** A master's in computer science.
18 **Q** And where did you get your degree from?
19 **A** Massachusetts Institute of Technology.
20 **Q** Congratulations.
21 Where did you get your bachelor's from?
22 **A** Massachusetts Institute of Technology.
23 **Q** And your degree was in?
24 **A** Computer Science -- electrical
25 engineering computer science to be precise.

21

1 that I sat -- "take" is kind of -- 'cause "take"
2 means take for credit. I did not take any classes
3 for credit.
4 I did sit in on -- there was -- you know,
5 you can -- as a learning study, couple of classes.
6 **Q** Okay.
7 **A** It was not take as a formal class. It
8 was not graded. It was not for credit.
9 **Q** Okay. Are you familiar with an audit
10 that OFCCP did at Oracle in 2015?
11 **A** I read about it in the news.
12 **Q** Did you -- did anybody interview you?
13 **A** I was interviewed. I'm not sure if it
14 was part of that audit or not.
15 **Q** Were you interviewed by OFCCP employees?
16 **A** Yes.
17 **Q** Okay. Do you remember who was present at
18 the interview?
19 **A** I remember vaguely; although, I couldn't
20 name the people because I don't remember their
21 names.
22 **Q** Okay. Was anybody from Oracle present?
23 **A** Yes, there was someone present.
24 **Q** Is the name Shauna Holman-Harries
25 familiar with you?

23

1 **Q** There is some questions that I kind of
2 know the answers to --
3 **A** Yes.
4 **Q** -- but I still have to ask, so I would
5 ask you to bear with me.
6 After you got your degree, did you
7 receive any -- or degrees, did you receive any
8 certifications of any kind?
9 **A** Certifications.
10 **Q** By any governmental entity?
11 **A** No.
12 **Q** By any --
13 **A** I don't have anything like that.
14 (Simultaneous Cross-talking)
15 THE REPORTER: One at a time, guys.
16 There's a lot of cross-talking.
17 MR. GARCIA: I apologize.
18 BY MR. GARCIA:
19 **Q** Did you receive any certifications from
20 like any agency that's not a governmental agency,
21 like any association?
22 **A** No, I don't recall anything like that.
23 **Q** Okay. After your degrees, did you take
24 any additional college courses?
25 **A** I took -- there was one or two courses

22

1 **A** Yes.
2 **Q** Who is she?
3 **A** I'm not a hundred percent sure, so I...
4 **Q** Can you -- was she associated with the
5 audit or the interview that was going on?
6 **A** I don't remember.
7 **Q** Fair enough.
8 **A** Yeah.
9 **Q** Now, have you ever talked to anyone about
10 the interview that was conducted with you by OFCCP
11 after the interview took place?
12 **A** We -- I discussed it with our counsel.
13 **Q** Okay. Anyone else besides your counsel?
14 **A** No. No, I don't believe so.
15 **Q** Did you discuss anything about the audit
16 prior to 2019 after the -- strike that.
17 Did you discuss anything about your
18 interview after the interview occurred prior to
19 2019?
20 **A** No, I don't recall discussing anything
21 about the interview.
22 **Q** Do you recall if anyone showed you a
23 statement or a document regarding what was said at
24 the interview?
25 **A** I have not seen any statement about what

24

1 was said in the interview.
2 Q Okay.
3 MR. GARCIA: Court Reporter, could you
4 please mark this document --
5 THE REPORTER: Sure.
6 MR. GARCIA: -- this document as
7 Exhibit 78.
8 (Exhibit 78 marked for identification.)
9 THE REPORTER: Exhibit 78.
10 BY MR. GARCIA:
11 Q Have you seen the document before that I
12 have placed in front of you that's been marked as
13 Exhibit 78?
14 A I have never seen this document.
15 Q Okay. And so I understand that you have
16 not seen it before, but I'm still going to ask you
17 questions about you to see if the information is
18 true.
19 MR. SHWARTS: Put it aside. He's not
20 asking -- he's asking you questions. He's not
21 asking you about the document.
22 MR. GARCIA: But I'm going to read what's
23 in the document, and so for you to listen, it may
24 help you understand what I am saying.
25 MR. SHWARTS: Leave it aside.

25

1 Q Yes.
2 A I am Hispanic White.
3 Q And by "Hispanic White," do you mean
4 Hispanic Caucasian?
5 A That's correct.
6 Q Okay. I'm -- I'm going to read you
7 what's in this, and again I'll stop at each sentence
8 and ask you if it's true.
9 You've been in the same organization
10 since you started; is that correct?
11 A That's correct.
12 MR. SHWARTS: You're asking him as of
13 today? I mean, I'm just --
14 MR. GARCIA: I'm ask --
15 BY MR. GARCIA:
16 Q My questions are going to be as of
17 March 25th, 2015.
18 Do you understand that?
19 A Yes.
20 Q Until I state otherwise.
21 And at that time that you were
22 interviewed on March 25th you were senior vice
23 president for five to ten years, correct?
24 A That's correct.
25 Q And you were managing the same

27

1 THE WITNESS: Okay.
2 BY MR. GARCIA:
3 Q Okay. So the document, Exhibit 78, has
4 Bates-stamp Nos. DOL 521 to DOL 524. It is titled
5 "Oracle onsite interview of John Loaiza on
6 March 25th, 2015 by Hea Jung Atkins, Anna Liu and
7 Brian Mikel. Oracle representative Shauna Holman
8 Harries present."
9 Were you hired at Oracle in September of
10 1988?
11 A Yes, I was.
12 Q And were you hired into a job of engineer
13 member of technical staff in the database
14 development organization?
15 A Yes, that is correct.
16 Q And is -- was your title in March 2015
17 senior vice president of systems technical?
18 A Systems technology.
19 Q Thank you.
20 A Again, it's technically database systems
21 technology.
22 Q Okay. So your gender is male, correct?
23 A Yes, that's correct.
24 Q What is your race?
25 A I'm sorry, my race?

26

1 organization when your title changed from VP to
2 senior VP, correct?
3 A Yeah, my organization did not change when
4 my title changed.
5 Q Okay. And you were doing the same thing
6 both when you were VP and the senior vice president,
7 correct?
8 A Yeah. On the day my -- you know, my --
9 my role has changed over years somewhat.
10 Q Okay.
11 A But on the day that my title changed from
12 VP to senior VP, my role did not change. Over that
13 '88 to 2000 -- whatever it was -- '15, my role has
14 changed.
15 Q Okay. And at that time did you report to
16 Andrew Mendelson, executive vice president of
17 database technology?
18 A Yes, I did.
19 Q And had you been reporting to him since
20 around the year 2000?
21 A Yes, that's correct.
22 Q And above Mr. Mendelson was Thomas
23 Kurian, who was the president of product development
24 at that time?
25 A I'm not a hundred percent sure his title

28

1 was president, but I was reporting to Thomas Kurian
2 at that time --
3 **Q** Okay.
4 **A** -- through -- through Andrew Mendelson
5 through Thomas Kurian.
6 **Q** Okay. And then you started your
7 employment at Oracle as a member of technical staff,
8 correct?
9 **A** That's correct.
10 **Q** Then you went to senior member of
11 technical staff, correct?
12 **A** Yes, that's correct.
13 **Q** And then you went to a manager?
14 **A** Correct.
15 **Q** And then you went to a director after
16 that, correct?
17 **A** Correct.
18 **Q** And you went to, then, a senior director;
19 is that correct?
20 **A** I believe that's correct.
21 **Q** And then you went to a vice president and
22 senior vice president, correct?
23 **A** Yes, that's correct.
24 **Q** Now, when you applied, did you apply to
25 be an engineer or did you apply for a specific title

29

1 title they're applying for?
2 **A** It's -- they don't always -- sometimes
3 they know, sometimes they don't know.
4 **Q** Now --
5 **A** Generally, I would say not a big deal,
6 the title that they're applying for.
7 **Q** Now, do they know what -- when they're
8 applying for in 2015 the time of the interview, do
9 they know what job they're applying for?
10 **A** They would know, for example, are you
11 applying for an engineering job and in what
12 organization and what the organization does.
13 **Q** And how do they know that?
14 **A** Well, it's on our job posting.
15 **Q** And does Oracle's job postings inform of
16 a requisition?
17 **A** I'm sorry?
18 **Q** In a requisition?
19 **A** "Requisition," what do you mean by that?
20 **Q** Let me rephrase it another way.
21 The job post -- does Oracle have a system
22 that it places job posting in, in 2015?
23 **A** Yes, we have a...
24 **Q** What was that system called?
25 **A** I don't know what it's called.

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1 of a position?
2 **A** I applied to be an engineer.
3 **Q** And when a person comes into the company,
4 do they know what title they are applying for?
5 **MR. SHWARTS:** Objection. Vague as to
6 time. As of March 20 -- March of 2015?
7 **BY MR. GARCIA:**
8 **Q** I'm first asking when you came in.
9 **MR. SHWARTS:** I'm sorry. Okay.
10 **THE WITNESS:** Probably not. Probably not
11 because the titles tend to be very corporate
12 specific, and it doesn't mean anything to the
13 applicant.
14 **BY MR. GARCIA:**
15 **Q** Right.
16 And the titles, like the principal member
17 of technical staff, that's a discretionary title,
18 right?
19 **A** Correct.
20 **Q** It's not what's in the system -- it's not
21 what's referred to as a systems title, correct?
22 **A** I'm not sure what a systems title is.
23 **Q** Fair enough.
24 Is that the case in 2015 in March when
25 you were interviewed, that people don't know what

30

1 **Q** Fair enough.
2 **A** Job posting system. But it probably has
3 some other name that's a more formal name.
4 **Q** Now, I'm -- I'm going to read a list of
5 names to see if they were your direct reports as of
6 March of 2015.
7 First one -- and these were VPs.
8 First one is Wei, W-E-I, Hu, H-U?
9 **A** Yes, that's correct.
10 **Q** And the next one is Steven Wertheimer.
11 **A** Wertheimer. Wertheimer, yes.
12 **Q** W-E-R-T-H-E-I-M-E-R?
13 **A** Correct.
14 **Q** The next one is Kathanda Umamagswaran, I
15 spell K-A-T-H-A-N-D-A, V-M-A-M-A-G-S-W-U-R-A-N?
16 **A** The -- his first letter in his last name
17 is U, not V.
18 **Q** Okay. But otherwise he --
19 **A** Yes.
20 **Q** Thank you for upgrading that.
21 Next one is Sumanta Chatterjee. I spell,
22 S-U-M-A-N-T-A, C-H-A-T-T-E-R-J-E-E?
23 **A** Correct.
24 **Q** Next one is Alan Downing --
25 **A** Correct.

32

1 Q -- Senior?
2 MR. SHWARTS: Senior director.
3 MR. GARCIA: Senior director, thank you.
4 BY MR. GARCIA:
5 Q The next one is Jagdev Dhillon,
6 J-A-G-D-E-V, D-H-I-L-L-O-N.
7 A That's correct.
8 Q Next one is Karl Hass, a senior director,
9 K-A-R-L, H-A-S-S?
10 A Correct.
11 Q Next one is Garret Swart. Last name is
12 spelled S-W-A-R-T. He was an architect?
13 A Correct.
14 Q Next one is -- again, I'm butchering
15 these names, I know. I apologize -- Tirthankar
16 Lahiri. T-I-R-T-H-A-N-K-A-R, L-A-H-I-R-I?
17 A Correct.
18 Q Okay. Next one is Jan Klokkers. Last
19 name is spelled K-L-A-K-K-E-R-S. And she was a --
20 he was senior director?
21 A It's Klokkers, K-L-O not A.
22 Q Thank you.
23 And the last one is Tim Shetler,
24 S-H-E-T-L-E-R?
25 A That's correct.

33

1 obviously, but it's a characterization of that, yes.
2 BY MR. GARCIA:
3 Q It also identifies at that time in March
4 of 2015 that you had around 500 people; is that
5 correct?
6 A Yes, that's correct.
7 Q Also identifies in the document that as
8 of that time that you didn't do a lot of hiring; is
9 that correct?
10 A I didn't personally do a lot of hiring.
11 Q Okay.
12 A The organization certainly did hiring.
13 Q Right.
14 And it identifies that the -- mostly
15 hire -- hiring managers were the first-level
16 managers in your organization; those are the people
17 who did most of the hiring; is that correct?
18 A Yes, that's correct.
19 Q And then there was an approval process;
20 is that correct?
21 A Yes, that's correct.
22 Q It further states that these hiring
23 managers determined compensation, and then you
24 approved the compensation.
25 Was that a -- is that a correct statement

35

1 Q Thank you.
2 So in the document I'm reading from, it
3 identified that you worked in the system technology
4 organization part of the database technology
5 organization in March of 2015, correct?
6 A That's correct.
7 Q And it states that the role was the
8 systems part of it; was that correct?
9 A Yes, systems part of database. Yes.
10 Q And it also says in trying to explain
11 that, quote:
12 "If you think of a car, I'm the engine
13 (performance, availability, currency,
14 recovery, main attributes of the
15 engine, the things that makes it
16 move)." Unquote.
17 Would that be a fair representation of
18 your role?
19 MR. SHWARTS: He's -- he's reading
20 something. He's just asking whether that statement
21 as of March of 2015 was an accurate statement,
22 regardless of whether it's -- it's written down or
23 not, he's just asking.
24 THE WITNESS: I think it's a
25 characterization. It doesn't cover everything,

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1 at the time?
2 A Yes, that's correct.
3 Q It also identified that your organization
4 hired a lot from the universities; is that correct,
5 at that time?
6 A Depends on what you mean by "a lot," but
7 we did hire from both university and -- and -- and
8 from industry.
9 Q Who set the -- the salaries for the
10 people who are hired from the colleges?
11 A The college salaries were generally set
12 by our college recruiting department.
13 Q Was that run by Larry Lynn and Chantal
14 Dhumal?
15 A I believe so.
16 Q And who set the compensation for those
17 not coming from the colleges?
18 A That would be primarily the hiring
19 manager.
20 Q And then you would review whatever
21 compensation he or she recommended, correct?
22 A Yes, I would be on the approval process
23 for that.
24 Q And when you were on the approval
25 process, could you cause a change to the salary

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1 recommendation?
2 **A** As part of the approval process, I don't
3 change, but I could, you know, basically reject it
4 if I thought it was improper compensation.
5 **Q** Okay.
6 **A** But there's no way for me to change the
7 recommendation in the process.
8 **Q** I understand what you mean.
9 So if you rejected it, would that mean
10 that another recommendation -- if they still wanted
11 to hire that person that another recommendation
12 would have to be submitted?
13 **A** Yes, that's right. If I rejected it, it
14 would either be -- stay rejected or it could be
15 resubmitted. Those are two possibilities.
16 **Q** And during that time in March of 2015,
17 did you make sure that your organization was hiring
18 people into the role that you wanted to hire them
19 into? They were properly being hired into roles
20 that you saw fit to be hired into?
21 **A** Yes.
22 **Q** And did you also make sure that your
23 organization was hiring in the right places and in
24 your organization as you deemed necessary?
25 **A** Yes, that's correct.

37

1 or another employer?
2 **A** Current compensation was usually not part
3 of the approval process.
4 **Q** Okay. Did you at all look at their
5 current compensation at any time?
6 **A** It was generally not something that came
7 to me as part of the approval process. I wouldn't
8 have looked at it. The approval process generally
9 did not. Sometimes it did, sometimes it might, but
10 it was generally not in the -- in the approval
11 process. It's not shown in the approval process.
12 **Q** Have you used the term "right ballpark"
13 before?
14 **A** Maybe. In my entire life, in the 20
15 years, I might have used that term.
16 **Q** Okay. So it's not something that you're
17 familiar with and use on a regular basis; is that
18 correct?
19 **A** I can't say that I never used that or I
20 use it. I mean, I don't know.
21 **Q** What I'm trying to determine --
22 **A** It's not a formal terminology that we
23 normally use, but it's a phrase that I -- I probably
24 have used at some point in my life.
25 **Q** Okay. Do you make sure that nothing

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1 **Q** And when you were determining whether to
2 approve someone, did you look at the compensation
3 being offered and -- strike that.
4 When you looked to hire someone, did you
5 look at the following things: The compensation
6 being offered, the expertise of the person, the
7 experience of the person, and the current
8 compensation of the person to determine if they were
9 in the right ballpark?
10 **A** You mentioned four things there.
11 **Q** Yes.
12 **A** Maybe we can go through them one by one.
13 **Q** Very good.
14 **A** Okay.
15 **Q** And we can do that.
16 So when you were looking to approve
17 someone, did you look at the compensation being
18 offered to them?
19 **A** Yes, I did.
20 **Q** And did you also look at their expertise?
21 **A** Yes, I did.
22 **Q** Did you also look at their experience?
23 **A** Yes, I did.
24 **Q** And did you also look at their current
25 compensation that they're making at another location

38

1 crazy happens like someone is being hired for a too
2 hire -- too high of salary with only a few years of
3 experience?
4 **A** Yes, that would be something I would look
5 at.
6 **Q** In the statement, it states, quote:
7 "There's a band we hire people into.
8 It has to make sense." Unquote.
9 Does Oracle and your organization hire
10 people into a certain band? Have you ever referred
11 to that before?
12 **A** Yeah, there's a -- there's a general
13 market salary range that people get hired into.
14 **Q** Okay.
15 **A** Now, that -- it has to make sense, yes.
16 **Q** I understand.
17 I'm just trying to understand --
18 **A** Yeah.
19 **Q** -- when the word "band" is used, what
20 does that mean. And you've told me, thank you.
21 MR. SHWARTS: Objection. He didn't
22 testify about what band meant. He gave his own
23 answer.
24 MR. GARCIA: Okay.
25 MR. SHWARTS: So it mischaracterizes the

40

1 witness' testimony.
2 BY MR. GARCIA:
3 Q So in this statement, it identifies
4 various factors to determine starting pay. So I'm
5 going to ask them -- what these factors are
6 individually to see if in fact you in and around the
7 March 2015 time period personally reviewed these
8 factors when looking at starting pay.
9 First one is competitive market rate.
10 A That is the most important factor that we
11 look at by far.
12 Q And how do you determine what the
13 competitive market rate is?
14 A From our experience hiring other
15 candidates and what other companies and what other
16 offers the customer -- the -- the candidate is
17 getting.
18 Q So -- and how do you know what the other
19 offers are that the candidate is given?
20 A The candidate will sometimes inform us
21 that they are getting an offer from another company
22 for a certain rate.
23 Q Thank you.
24 Other than the candidate telling you what
25 his offers are, is there any other source of

41

1 information you use to develop what the competitive
2 market rate is?
3 A Yeah, previous hires that we've hired
4 also tell us what the competitive market rate is.
5 Q Any other source of information?
6 A I'm sure there is, but, you know, those
7 are the primary ones.
8 Q Would you ever look at what a person's
9 current salary is to determine the competitive
10 market rate?
11 A The person's current salary is generally
12 not relevant for the comparative market rate.
13 Q Would you want to know the person's
14 current salary to make sure that what Oracle offered
15 was higher than that?
16 A Sometimes we got the current salary,
17 sometimes we didn't, you know.
18 Q Okay. Another factor listed was
19 experience?
20 A Yes.
21 Q Another fact -- is that -- that's a
22 factor you would consider to determine --
23 A Yes.
24 Q -- starting pay.
25 Another factor was expertise?

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1 A Yes, that's correct.
2 Q Would education be a factor?
3 A Yes, education would be a factor.
4 Q And would it be a -- how would it be a
5 factor? What were you looking at when you were
6 looking at education?
7 A We were looking at do they have a degree
8 in the relevant areas, high -- you know, what
9 university that degree came from, what -- which
10 degree it was. Is it a bachelor? Is it a master's?
11 Is it a doctorate?
12 Q Thank you.
13 A We'd also look at what area that degree
14 because degrees also can have different specialties
15 within the -- within the area.
16 Q Did you have any preferences in terms of
17 degrees that you were looking for?
18 MR. SHWARTS: At the time?
19 BY MR. GARCIA:
20 Q Yeah, this is -- all my questions now are
21 March 2015 unless I say otherwise, okay?
22 MR. SHWARTS: I just wanted to make sure
23 the witness was -- had that time frame in his mind.
24 Go ahead.
25 THE WITNESS: Yeah. We hired bachelor's,

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1 master's and Ph.D's.
2 BY MR. GARCIA:
3 Q Did you prefer one degree over another?
4 A Generally we looked at master's a little
5 more than bachelor's.
6 Q Okay. I -- I'm going to read from this
7 statement and ask you if what I read is true at the
8 time, again in March 2015, quote:
9 "We prefer master's degrees, people
10 from top universities because they tend
11 to do a better job. A high GPA is
12 preferred in college recruiting." End
13 quote.
14 Is that a true statement at the time?
15 A Yeah, I believe so.
16 Q Okay. When you're reviewing a person for
17 the approval process, what are you specifically
18 looking at when you're reviewing the approval to
19 make a decision for the approval?
20 A The primary things I'm looking at is, are
21 we in fact hiring -- you know, do we have -- are we
22 trying to hire in the area that the person's -- you
23 know, the candidate is being proposed for; the
24 expertise of the person; the education of the
25 person; and the compensation of the person -- I'm

44

1 sorry, the proposed compensation of the person.
2 **Q** Thank you.
3 I was not clear in my question, so I
4 apologize.
5 **A** Yes, yeah.
6 **Q** I'm interested in what documents you're
7 looking at. What would you be looking at?
8 **A** I'm looking at -- we have a formal
9 approval process, so the primary document that I'm
10 looking at is what comes as part of that formal
11 approval process.
12 **Q** And what information is in that document?
13 **A** The name, degree, proposed salary,
14 comments from the hiring manager on what position
15 this person is going to fulfill, comments from the
16 hiring manager on what the expertise of the person
17 is. We have the resume. We have comments from
18 interviewers of that person. And we also have
19 comments from references from that person.
20 **Q** So I'm going to read you another
21 statement from the document of Exhibit 78 which is
22 purported to be their interview of you. So when it
23 says "I," it would be implicating you.
24 So it says, quote:
25 "The market is the primary factor in

45

1 these things. What is the market to
2 get this person? When I review the
3 candidate, I get documents that show
4 the resume, interview notes and current
5 compensation. I'll look at what the
6 manager is offering and either approve
7 or reject." End quote.
8 Is that a true statement?
9 **MR. SHWARTS:** Objection. Lack of
10 foundation. Just focus on the substance of his
11 question --
12 **THE WITNESS:** Yeah.
13 **MR. SHWARTS:** -- and answer whether or
14 not this statement that was made was accurate at the
15 time.
16 **THE WITNESS:** I do not believe that's
17 accurate. So what I get is not the current
18 compensation. I get the proposed compensation.
19 **BY MR. GARCIA:**
20 **Q** I see.
21 And are the interview notes part of the
22 formal document that you look at for the approval
23 process?
24 **A** Yes, they are.
25 **Q** They're not a separate document?

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1 **A** Well, it all comes as a bundle. We get a
2 bundle.
3 **Q** Okay. So you get -- is that what's
4 called a hiring package?
5 **A** I don't think it's called a hiring
6 package.
7 **Q** Very good.
8 It also says in the statements -- so
9 again, I'm going to read it to you but ask you if it
10 was true:
11 "Another big thing we look at is
12 whether there's another offer. We look
13 at the actual offer letter if there's
14 another offer." Unquote.
15 Is that true?
16 **MR. SHWARTS:** Objection. Lack of
17 foundation.
18 You may answer.
19 **THE WITNESS:** Pardon me?
20 **MR. SHWARTS:** You may answer.
21 **THE WITNESS:** Okay. If the candidate has
22 informed us of a competitive offer and given us that
23 information, then we will look at that.
24 **BY MR. GARCIA:**
25 **Q** Yeah. Do you -- if the candidate has

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1 informed you of a competitive offer, do you require
2 the candidate to give you a coffer -- a copy of the
3 offer?
4 **A** It's not required to be hired, no.
5 **Q** Okay. Now, for everyone who your
6 lower-level managers wants to hire, are you part of
7 the approval process in every one of those?
8 **A** Yes, I am.
9 **Q** And can you please describe what the
10 approval -- I'm assuming you're not the only one in
11 that approval process, right?
12 **A** That's correct.
13 **Q** So the initial manager, the hiring
14 manager, makes a recommendation to hire. Let's say
15 he's at an M1 level. Who are all the people who
16 have to sign off on that approval?
17 **A** In general, the approval process follows
18 the management chain. So manager's manager, that
19 person's manager, that person's manager.
20 **Q** So by managers chain, you mean the chain
21 of command of management above that manager?
22 **A** That's correct.
23 **Q** And who is ultimately the final approver?
24 **A** It depends on the level of the candidate.
25 The large majority of them would be our -- at that

48

1 time it was Thomas Kurian.
2 Q Okay. Is HR involved in any of that
3 approval process?
4 A HR is involved in the initial generation,
5 but they're not in the approval process.
6 Q Is there any background checks done on
7 these people?
8 A At that time I believe there was.
9 Q And what is the background checks done
10 on?
11 A I -- I'm not the right person to ask that
12 question.
13 Q I'm going to ask you many questions --
14 A Yeah.
15 Q -- you may not know of. I'm just trying
16 to explore what you know, okay? So it's perfectly
17 fine to say you -- you don't know.
18 MR. SHWARTS: "I don't recall" is a
19 correct answer. "I don't know" is a correct
20 answer --
21 MR. GARCIA: Yeah.
22 MR. SHWARTS: -- if it's the right
23 answer.
24 BY MR. GARCIA:
25 Q Right. I don't want you to guess.

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1 you.
2 A Okay.
3 Q I will try to differentiate between you
4 and your organization.
5 A Okay.
6 MR. SHWARTS: Thank you.
7 THE WITNESS: I just want to be clear,
8 we're not talking about hiring candidates anymore.
9 I did not performance evaluate any -- any candidate
10 we were looking to hire.
11 BY MR. GARCIA:
12 Q I'm not talking about --
13 A Okay.
14 Q I'm not -- I'm -- I'm switching.
15 A Okay.
16 Q I'm moving to a new topic.
17 A Right.
18 Q Thank you for asking for clarity.
19 Did you do performance evaluations of
20 people in -- in or around March 2015?
21 A Yes, I did.
22 Q Okay. Now, do you frequently use the
23 term of "superstars"?
24 A We use that term. I don't know about --
25 I wouldn't characterize it as frequent.

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1 How does the process work, if you know,
2 that you have the opportunity to hire someone?
3 People just -- your individual managers at the M1
4 level can't say, well, I just feel like hiring
5 someone today.
6 A Uh-huh.
7 Q How do they know they have the authority
8 to put out a requisition to hire someone?
9 A It's part of the budgeting process. So
10 every organization has a budget. And as part of
11 that budget, it can include the ability to hire
12 people within that budget.
13 Q So does the budget allocate like
14 headcount and dollars to hire additional people?
15 A Yes. At that time for our organization,
16 it's primarily headcount.
17 Q Okay. At that time did you do any
18 performance evaluations?
19 A Not -- not a --
20 (Simultaneous cross-talking.)
21 MR. SHWARTS: Sorry. The "you" -- the
22 "you" in that sentence, does that mean Juan Loaiza
23 or the organization?
24 BY MR. GARCIA:
25 Q I'm asking you -- if I say "you," I mean

50

1 Q Okay. And by -- you say "We use that
2 term," that term is used at Oracle to describe
3 excellent performers, high performers?
4 A I would not say it's a generic term with
5 Oracle.
6 Q Okay. But you have used that?
7 A I have used that term, yes.
8 Q Now I'm going to read some sentences
9 again, and I will ask you to tell me if they're --
10 it's true or not.
11 It says, quote:
12 "I will set wage increases for my
13 direct reports and pass on the budget
14 for those under them." End quote.
15 Is that a true statement?
16 MR. SHWARTS: Objection. Lack of
17 foundation.
18 You may answer.
19 THE WITNESS: Generally that's true, yes.
20 I'm not the only one that sets increases. It has to
21 be reviewed, so it's not -- not a hundred percent
22 true. I don't get to arbitrarily change people's
23 salaries.
24 BY MR. GARCIA:
25 Q I understand.

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1 **A** Yeah.
2 **Q** Let me put it a different way.
3 Okay. So a budget, you get a budget for
4 your entire organization at Oracle, correct?
5 **A** Yes, that's correct.
6 **Q** And is this on an annual basis?
7 **A** Yes, that's correct.
8 **Q** And then you -- do you then allocate that
9 budget to your direct reports?
10 **A** Yeah, I propose an allocation. Yes.
11 **Q** And who do you proposed that allocation
12 to?
13 **A** To -- the budgets have to be approved at,
14 you know, management level. Yes.
15 **Q** So by "management level," you mean Larry
16 Ellison, Safra Catz and Mark Hurd?
17 **A** Within my organization, my -- what I do
18 generally does not go to -- that high.
19 **Q** Right. So I'm saying is --
20 **A** Yeah.
21 **Q** -- you get a budget from --
22 **A** Yes.
23 **Q** -- Larry Ellison.
24 **A** I do not get a budget from Larry Ellison.
25 **Q** You would get a budget that would go to

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1 **A** Yes.
2 **Q** And then he gives his feedback. And
3 after he gives the feedback after you propose it to
4 him, the budget gets distributed?
5 **A** Yes, that's correct.
6 **Q** To your direct reports?
7 **A** Yes, that's correct.
8 **Q** Okay. Do they have complete autonomy to
9 distribute their budget, or do they have -- that you
10 allocated to them, or do they make a proposal to you
11 and you provide feedback on it?
12 **A** Again, I -- yes, I provide feedback on
13 how they distribute their budgets.
14 **Q** Okay. So who makes the initial proposal
15 for their budgets to be distributed? Do they make
16 the proposal, then it's given to you, and then you
17 give it to your boss, Mr. Mendelson, at the time?
18 **A** It flows in both directions. Managers
19 propose up to their manager. Also, the manager
20 above can say, hey, I want more budget in this area,
21 in that area.
22 **Q** And which typically happens in your
23 organization in or around March of 2015?
24 **A** Both happen.
25 **Q** Okay. So it's an iterative process going

55

1 Thomas Kurian that would go to Mendelson then would
2 go to you, correct?
3 **A** I would get a budget from Andrew
4 Mendelson.
5 **Q** Okay. We'll just leave it at that.
6 **A** Okay. Yeah.
7 **Q** Okay. And then do you decide how that
8 budget gets allocated amongst your direct reports or
9 does someone else?
10 **A** I primarily decide. But "decide" implies
11 I have full discretion which is --
12 **Q** Okay.
13 **A** Yeah.
14 **Q** Do you propose --
15 **A** Yes.
16 **Q** -- how the budget should be
17 distributed --
18 **A** Yes.
19 **Q** -- to whom?
20 **A** Yes, that's right, among -- among the
21 organizations in my -- that I manage, yes.
22 **Q** And who do you propose how that
23 distribution should be?
24 **A** To my manager, Andrew Mendelson.
25 **Q** Okay.

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1 back and forth.
2 Do you know if your proposals ever went
3 above Mr. Mendelson to Mr. --
4 **A** My proposals sometimes went to Thomas
5 Kurian.
6 **Q** Okay. Now, if -- if someone who is at an
7 M2 global career level who had M1 global career
8 levels reporting to them and the M1s had budgets --
9 so do you understand that so far?
10 **A** Yes, I --
11 **Q** Okay. So the M -- there's an M2 who has
12 M1s who have budgets. When it gets down to the
13 lower levels like M2 and M1, do you still have that
14 iterative process of going back and forth, up and
15 down, or when it gets down to the lower levels like
16 an M2 or an M1, their budgets have already been
17 decided for them?
18 **A** As a rule, I only discuss budget with the
19 people directly below me and the people directly
20 above me.
21 **Q** Okay.
22 **A** As a rule, it can -- it can vary on a
23 case-to-case basis.
24 **Q** Would someone who was making a budget
25 allocation at the M2 level, generally, he would

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1 only -- would that be the same for him, that he
2 would only interact with people above him at the M3
3 and the M1 level?
4 **A** Primarily.
5 **Q** Okay.
6 **A** Again, there's exceptions.
7 **Q** Understand. I'm just trying to
8 understand --
9 **A** Yeah.
10 **Q** -- the general process. Thank you.
11 And most people that you were hiring in
12 your organization are engineers, correct?
13 **A** Yes, that's correct.
14 **Q** And -- and does your term of "engineers"
15 include people who are like applications developers
16 and engineers?
17 **A** Applications developers, generally we do
18 not hire that. In our terminology, the way we use
19 applications engineer is not something that I hire.
20 **Q** Okay. How about software developers or
21 engineers?
22 **A** Software developers, yes. Engineers,
23 yes.
24 **Q** Is that predominantly the -- the people
25 that you hire in your organization?

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1 determined -- is there a ranking process, a rating
2 process? How is it determined who's going to get
3 what?
4 **A** Yes, that's right. So there's a ranking
5 process. There's a rating process. There's an
6 evaluation of -- of the skills and how important
7 those skills are.
8 And, you know, there's also we look at
9 what the competitive market might pay for someone in
10 that -- with those skills in that position.
11 **Q** Okay. And when you say there's a rating
12 process, do those ratings come from performance
13 evaluation ratings or is there a distinct ratings
14 within the salary process?
15 **A** As part of the process of compensation,
16 not necessarily salary because there's three parts
17 of the compensation.
18 **Q** What are the three parts to compensation?
19 **A** There's salary, bonus and stock.
20 **Q** Is stock also called equity?
21 **A** Stock is also called equity, yes, that's
22 correct.
23 **Q** Thank you.
24 Now, when managers are rating someone in
25 each of these three areas, do they provide a

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1 **A** Yes, that's correct.
2 **Q** Now, when wage -- now I'm switching to
3 the process for wage increases.
4 **A** Okay.
5 **Q** So as I understand it, you get allocated
6 a budget, and in that budget includes money for wage
7 increases, correct?
8 **A** That's correct.
9 **Q** And then it gets allocated down to the
10 lowest level of management who has people, direct
11 reports, reporting to them, correct?
12 **A** Not necessarily. It doesn't necessarily
13 go all the way to the -- to the lowest level.
14 **Q** In your organization, how far down did it
15 go? Usually. I'm talking typically. I know there
16 will be exceptions.
17 **A** It varies. I allocate to my direct
18 reports.
19 **Q** Right.
20 **A** Depending on their group size and their
21 knowledge, they might choose to allocate it
22 themselves or they might choose to suballocate it.
23 **Q** Okay. So let's say now it's gotten to
24 the lowest level it's going to be allocated. Can
25 you describe to me the process for -- how is it

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1 justification of why they rated one person at one
2 level or ranked another person another level?
3 **A** No, they don't.
4 **MR. GARCIA:** Okay. We're done for a
5 little bit, but I'm going to go back to it.
6 Court Reporter, this document has already
7 been marked as Exhibit 48. We're going to be using
8 some documents from previous depositions.
9 (Exhibit 48 previously marked for identification.)
10 **Q** Do you recognize the document placed in
11 front of you as Exhibit 48?
12 **A** I've never seen this document before.
13 **Q** Okay. Now, I know this document is for a
14 specific person and that you may not have seen
15 before. And like the previous document, I'm just
16 going to ask you questions.
17 Have you ever heard of the term
18 "iRecruitments," one word?
19 **A** Yes.
20 **Q** What is iRecruitment?
21 **A** It's a system that we use at Oracle as
22 part of the hiring process.
23 **Q** And before you mentioned that jobs would
24 be posted. Would jobs be posted to the iRecruitment
25 system?

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1 **A** I believe -- well -- I believe so;
2 although, I...
3 **Q** Have you ever posted a job to the
4 iRecruitment system?
5 **A** No.
6 **Q** Has someone on your behalf ever posted a
7 job for the iRecruitment system?
8 MR. SHWARTS: Objection. Calls for
9 speculation.
10 You may answer.
11 BY MR. GARCIA:
12 **Q** I'm asking do you know.
13 **A** Specifically post -- it's a -- it's an
14 interesting question. "On my behalf" being for me
15 to hire or for someone in my organization to hire?
16 **Q** For you to hire?
17 **A** For me personally to hire?
18 **Q** Yes.
19 **A** I don't know.
20 **Q** Okay. So when you would hire one of your
21 direct reports, would a job be posted in
22 iRecruitment?
23 **A** I have not hired a direct report in that
24 time frame that you are looking -- that you're
25 looking at.

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1 **A** Yeah.
2 **Q** So because it could be either one of
3 those --
4 **A** But I'm -- I'm -- I'm just asking a
5 question. When you -- you're using the word "hire."
6 **Q** I'm using the word "hire" -- now that
7 we've had this discussion --
8 **A** Yes, yeah.
9 **Q** -- I'm using the word "hire" where there
10 was a posting and either someone from in Oracle got
11 the posting, got the job that was posted, or someone
12 outside of Oracle got the post.
13 **A** Okay. So can you kind of re- -- restate
14 the question?
15 **Q** Okay. So you understand that when I say
16 someone was hired for the job, it could be someone
17 in Oracle that was hired for another job than what
18 they're doing now or someone outside of Oracle.
19 Do you understand that?
20 **A** Yes.
21 **Q** Okay. So that's what I mean when I say
22 "hire."
23 So getting back to the question --
24 **A** Uh-huh.
25 **Q** -- have you ever hired someone in -- at

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1 **Q** When's the last time you hired a direct
2 report?
3 **A** Okay, I have to distinguish between the
4 word hire and -- and transfer.
5 **Q** I -- I --
6 **A** You mean hire from the outside, from
7 externally?
8 **Q** It is my understanding that Oracle in its
9 posting of jobs --
10 **A** Uh-huh.
11 **Q** -- people inside for Oracle can apply to
12 those jobs --
13 **A** Uh-huh.
14 **Q** -- and people outside from Oracle can
15 apply to those jobs.
16 Is that your understanding?
17 **A** Yes, that's correct.
18 **Q** So are you -- so when you say "a
19 transfer," are you counting a person from Oracle
20 choosing a job, or are you telling me a transfer is
21 someone in management says this person is
22 transferring from one organization to another?
23 **A** Or -- a transfer can be either one of
24 those things.
25 **Q** Okay.

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1 Oracle?
2 **A** Yes, I've hired people at Oracle.
3 **Q** And when was the last time that you hired
4 someone, approximately? You can say two days ago.
5 (Telephonic interruption.)
6 THE WITNESS: Turn that off.
7 BY MR. GARCIA:
8 **Q** You can say ten years ago. I'm just
9 trying to get a feel when the last time you hired
10 someone.
11 **A** It's been a long time.
12 **Q** Been more than five years?
13 **A** Yes, I think it's been more. And we've
14 had organizational changes where I've -- I've --
15 I've gotten extra reports or extra groups.
16 **Q** So restructure --
17 **A** I -- I would not characterize that as a
18 hire.
19 **Q** I would not.
20 **A** Okay.
21 **Q** So that's like a restructuring of the
22 organization where --
23 **A** Yes.
24 **Q** -- you got additional personnel?
25 **A** That's right, additional personnel.

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1 Q Okay.
2 A It's been a very long time since I've
3 hired any -- any people.
4 Q I'm going to have you look at the
5 second -- and Exhibit 48 is Bates-stamped No.
6 ORACLE_HQCA 27412-1 and -2. That's because it was a
7 native file and I've just done the pages.
8 So looking on the -- the reverse, the
9 second page of that --
10 A That's fine.
11 Q -- I'm going to go down to the very
12 bottom in the typed text where it says:
13 "Oracle is committed to creating a
14 diverse environment and proud to be an
15 equal opportunity employer."
16 Do you see that?
17 A I see that statement, yes.
18 Q Is that a true statement, to your
19 knowledge?
20 A I can't testify to truth or -- I mean,
21 that's an Oracle statement, not my statement.
22 Q Is that a true statement for Oracle?
23 That's what I'm trying to understand.
24 A I can't speak for Oracle as far as these
25 things go.

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1 Q That's okay.
2 A It's not my responsibility. I do not get
3 to say -- speak on Oracle's behalf.
4 Q Understand.
5 A Yeah.
6 Q But you're an executive vice president of
7 Oracle?
8 A Yes.
9 Q Does Oracle follow or -- or do you
10 consider Oracle to be an equal opportunity employer?
11 A I -- I consider Oracle, personally, yeah.
12 Q Okay. I'm going to go to the statement
13 right above it. It says, quote:
14 "We are looking for highly
15 self-motivated individuals who can deal
16 with complex problems under minimal
17 supervision" --
18 Strike that. I'm reading the wrong
19 sentence. It's the one immediately above it in
20 blue.
21 "As part of Oracle's employment
22 process, candidates will be required to
23 complete a pre-employment screening
24 process prior to an offer being made."
25 Do you know if that was Oracle's hiring

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1 process?
2 MR. SHWARTS: As of when? March of 2012?
3 MR. GARCIA: Yes.
4 THE WITNESS: Screening employment --
5 screening process? Yeah, I believe that was part of
6 the process.
7 BY MR. GARCIA:
8 Q And then to cont- -- the next sentence
9 says:
10 "This will involve identity and
11 employment verification, salary
12 verification, professional references,
13 educational verification and
14 verification of professional
15 qualifications and memberships if
16 applicable."
17 Did I read that correctly?
18 A I think you read it correct. I mean,
19 you're reading the same thing I am, yes.
20 Q Well, I just want to make sure --
21 A Yeah.
22 Q -- that we're on the same page, sir.
23 A Yeah.
24 Q Okay. So do you know whether that was a
25 true statement at the time in March of 2012?

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1 A I'm not involved in that process, so I
2 wouldn't know whether that's correct or not.
3 Q Okay. So when you were approving
4 candidates, had the background check process been
5 completed at the time when you were reviewing it?
6 A Usually. Not always, but usually.
7 Q And would the results of that background
8 process be communicated to -- to you?
9 A In general, if someone lies on their
10 resume or some other process, that offer would not
11 have made it to me.
12 Q Again, some things --
13 A Right.
14 Q -- I understand, but I still have to ask
15 the question.
16 A So no, it was -- it wasn't in the --
17 something that said they passed, because if they
18 didn't pass, it never would have made it to me.
19 Q Now, previously we talked about various
20 factors, and I read to you from the statement that
21 you would look at during the approval process.
22 Is there anything that you did not
23 mention that you would look at during an approval
24 process of a candidate?
25 MR. SHWARTS: He means anything you

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1 didn't mention in your testimony today.
2 BY MR. GARCIA:
3 Q Yes.
4 A Yes. I -- I would generally look at
5 anything that comes in the packet, and there's a
6 wide variety of things that can be in there.
7 Q So would you review the entire packet?
8 A Generally, yes. Not always.
9 Q Okay.
10 A Sometimes I would, sometimes I wouldn't.
11 Q When you were -- or strike that.
12 For managers in your organization, for
13 people who worked at another company, was there like
14 any type of role to the effect of Oracle, unless
15 there's an exception made, would not give them more
16 than 10 percent what they were making at another
17 company?
18 A 10 percent more? Is that what you mean?
19 I'm sorry, what -- 10 percent of what they were
20 making at another company?
21 Q Above 10 --
22 A Above.
23 Q Not more than 10 percent.
24 A No.
25 Q Okay.

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1 resume, right?
2 A Yes, that's correct.
3 Q Why are you looking at a resume?
4 A I'm looking at the resume for the
5 experience. Generally candidates put on there where
6 they have worked, what job role they've -- they
7 have, what skills in that job role, what their
8 education is, number of years experience, what
9 they -- the exact role in those years.
10 Q And you also said you looked at interview
11 notes, correct?
12 A That's correct.
13 Q And why would you look at the interview
14 notes?
15 A To see whether the people that
16 interviewed considered a candidate appropriate. You
17 know, how -- how they did in the interview.
18 Q Would you also see if that -- what the
19 person said in the resume matched, you know, how
20 they did in the interview in terms of skills and
21 knowledge, try to validate the information?
22 A I don't try to validate it. That would
23 be the job of the interviewer.
24 Q But you would see what the interview said
25 in terms of their evaluation of whether the -- what

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1 A We would look at the competitive market
2 and the salary that the -- that we believe is
3 competitive in the market.
4 Q Right.
5 And as I understood you, the only two
6 things that you would look at to evaluate that would
7 be your past hires -- or three things: Your past
8 hires, the current salary if the person gave it to
9 you, and if the person gave you a competitive offer,
10 correct?
11 MR. SHWARTS: Objection.
12 Mischaracterizes his prior testimony.
13 THE WITNESS: Yeah, that's not what I
14 said.
15 BY MR. GARCIA:
16 Q Okay. So -- well, I'm talking about
17 money-wise. You also said you look at experience
18 and you look at expertise and you would look at
19 education.
20 A Okay. So you have to go --
21 Q Okay.
22 A -- through that again because you're
23 throwing a lot of stuff out there.
24 Q I understand. Yeah.
25 Now, you -- you said you would look at a

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1 the person said on their resume, correct?
2 A If they put that in there, I would. But
3 that -- but that's not a typical thing that we do in
4 the interview process.
5 Q Do you know whether Oracle at any time
6 has ever asked an applicant for their -- who's
7 currently working at another company what their
8 current salary is?
9 MR. SHWARTS: Objection. Overbroad.
10 You may answer. You may answer.
11 THE WITNESS: Has Oracle ever asked that?
12 I -- you know, Oracle --
13 BY MR. GARCIA:
14 Q I'm asking about your person -- when I'm
15 asking this --
16 A Yeah.
17 Q -- I'm asking -- I'm going beyond what
18 happened in your organization. I'm asking about
19 your personal knowledge.
20 A Uh-huh.
21 Q Do you have any knowledge whether Oracle
22 at any time asked a person what their current salary
23 was?
24 MR. SHWARTS: Same objection. Overbroad.
25 You may answer.

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1 THE WITNESS: Has someone at Oracle ever
2 asked that, is that what you're saying?
3 BY MR. GARCIA:
4 Q To your knowledge.
5 A Right. Yes. Yes, I'm sure they have.
6 Q But do -- but do you have personal
7 knowledge of it, or are you just guessing and
8 speculating?
9 A No, I -- I -- I'm sure that somebody's
10 asked at Oracle what somebody's current salary is.
11 Q And what is your "I'm sure they" based
12 on? Because I don't want you to guess or speculate.
13 A I mean, it's a good question. I -- I've
14 seen salaries. Sometimes they're volunteered. You
15 know, at times people might ask for them.
16 Q Okay. Was it ever a process at Oracle
17 during the -- the hiring process where Oracle made
18 it mandatory to seek the current salary of an
19 applicant?
20 MR. SHWARTS: Objection. Overbroad.
21 THE WITNESS: Yeah.
22 MR. SHWARTS: You may answer.
23 THE WITNESS: I can't speak for Oracle
24 because I'm not involved in --
25 BY MR. GARCIA:

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1 to provide any previous compensation to get -- for a
2 candidate to get hired.
3 Q Would Oracle not hire someone because
4 they were getting too much money in their current
5 job?
6 A We would not hire someone because they
7 were asking for too much money.
8 Q Okay. My question is slightly different,
9 though. I understand that.
10 A Uh-huh.
11 Q Is, would Oracle not go after a person
12 because they were making too much money in their
13 current job and so to lure them away Oracle would
14 have to pay more?
15 A If they were asking for compensation that
16 we considered too high, we would not hire that
17 person.
18 Q Okay.
19 A But --
20 Q I understand.
21 A Yeah. Yeah.
22 MR. GARCIA: Court Reporter, could you
23 please mark the next document as Exhibit 79?
24 (Exhibit 79 marked for identification.)
25 MR. SHWARTS: And counsel, could we take

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1 Q I'm asking for your knowledge. So I'm
2 not asking you for -- to speak for something that
3 you don't know about.
4 A Okay.
5 Q I'm only asking for your knowledge.
6 A Okay. So what I can say is I don't know
7 what happens outside my organization because I'm not
8 involved in any of those hiring process.
9 Q Okay.
10 A So I have no idea what gets asked in
11 other organizations.
12 Q That's --
13 A But within -- within my organization --
14 the original question, say -- say it again?
15 Q Was -- was it ever mandatory for a person
16 who was an applicant seeking a job at Oracle at any
17 time to have to provide their current salary
18 information?
19 A Okay. So I'm going to say I have no
20 knowledge of any hiring that go -- how hiring is
21 done outside of my organization, so I have
22 absolutely no knowledge of that.
23 Within my organization is the only thing
24 I can speak to. And in -- and within my
25 organization, it was never a mandatory requirement

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1 a restroom break soon?
2 MR. GARCIA: Actually, we can take it
3 now.
4 THE REPORTER: Okay, great. Thank you.
5 THE VIDEOGRAPHER: This marks the end of
6 media file labeled No. 1. Off the record at 10:30
7 a.m.
8 (Recess.)
9 THE VIDEOGRAPHER: This marks the
10 beginning of media file labeled No. 2. Back on the
11 record at 10:38 a.m.
12 BY MR. GARCIA:
13 Q So looking at the -- the testimony and --
14 A So you need me --
15 Q No, I'm -- I'm not referring to the
16 exhibit.
17 A Okay.
18 Q And there were many times where you knew
19 where I was going with the question and you
20 interrupted me when I was asking the question, and I
21 interrupted you at times when I was asking a
22 question because you've given part of the answer and
23 I was off to the next question. So I would ask both
24 of us to be on our guards to make sure that we wait
25 until the other person stops talking.

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1 Now, I think earlier in the testimony,
2 you mentioned something called a hiring packet, and
3 I stated it back to you as a hiring package which
4 you said you didn't know of.
5 Do you know what information is in the
6 hiring packet?
7 **A** Okay. I'm using that term informally,
8 okay -- okay, not -- that's not a formal term, just
9 to be clear.
10 **Q** Okay.
11 **A** So there's an approval process. And as
12 part of the approval process, there is certain
13 information that's in there.
14 **Q** Okay.
15 **A** I'm in- -- informally referring to that
16 as a hiring package or packet, but it's not a formal
17 term.
18 **Q** And is this approval process, is this
19 through e-mails? Is this through the iRecruitment
20 system itself?
21 Do you know?
22 **A** It's neither of those. There's a
23 separate -- we call a work flow system in our
24 company that -- that we use.
25 **Q** Okay. Now, if you can look at the

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1 first page at Bates stamp No. 31658.
2 Do you see that?
3 **A** Yes, I do.
4 **Q** Okay. So it gives a vacancy number, so I
5 guess that would be the -- the requisition number of
6 the position that's available to be filled?
7 Do you see that?
8 **A** Yes, I see that.
9 **Q** Okay. And then it gives --
10 MR. SHWARTS: He's asked do you know if
11 that's true or not? I know you see it. He asked
12 you a question. Is that what that is?
13 THE WITNESS: Okay.
14 BY MR. GARCIA:
15 **Q** So when you reviewed -- because you're
16 saying you're looking like at a computer screen,
17 right?
18 **A** Yes, that's right.
19 **Q** And so is the information about the
20 vacancy number on the computer screen that you look
21 at?
22 **A** Probably. It's not something I
23 specifically look for.
24 **Q** Understand.
25 Then it says -- says "Job," and then it

79

1 document that's been marked as Exhibit 79 that's to
2 your right there that you just picked up.
3 Probably you have not seen this exact
4 document before with this exact person's name on it,
5 but I want to ask you if you have seen this document
6 generally. The document is titled "Candidate
7 Details." It's from the iRecruitment state system.
8 It has Bates stamp Nos. DOL 1658 to 1661.
9 Have you seen this -- a document like
10 this before?
11 **A** I've seen a document -- "document" is a
12 interesting term.
13 I've seen a -- something that looks
14 similar to this, because what we use is not actually
15 a document. It's a work flow system.
16 **Q** It's a computer system?
17 **A** Yeah, it's a computer system. So I've
18 seen something similar to this before, yes.
19 **Q** Okay. And so I'm just going to ask you
20 about the information that's included on this
21 document and if it's the -- the type of information
22 that you would see.
23 And so I'm going to be focusing you where
24 it says "Basic Offer Details" which is about
25 half- -- a little more than halfway down on the

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1 gives a five digit number, "10540."
2 Do you see that?
3 **A** Yes, I do.
4 **Q** Do you know what that number is?
5 **A** That's a job code for the proposed
6 position for that candidate.
7 **Q** So that would be a job code number for a
8 title of Software Developer 4?
9 MR. SHWARTS: Objection. Calls for
10 speculation. Answer if you know.
11 THE WITNESS: Software Developer 4 is not
12 a term that we use in my organization.
13 BY MR. GARCIA:
14 **Q** Okay.
15 **A** So...
16 **Q** It says "IC4" too. Do you know what
17 "IC4" --
18 **A** Yeah. "IC" stands for individual
19 contributor.
20 **Q** And then the "4" would be the level,
21 right?
22 **A** That's correct.
23 **Q** And it says "Grade." Do you -- would you
24 say a grade when you're reviewing on the computer
25 screen?

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1 A Probably.
2 Q Do you know what "Grade" refers to?
3 A Not really.
4 Q Do you know if it's the salary grade?
5 A I don't know what the grade is.
6 Q Okay. Very good.
7 A Okay.
8 Q Then down below it says "Discretionary
9 Job Title"?
10 A Discretionary --
11 Q Almost at the bottom of the page in that
12 same column.
13 A Discretionary Job Title, yes.
14 Q Okay. And as -- would you see -- would
15 you look at the job title?
16 A I generally don't look at it because it's
17 not really terribly relevant.
18 Q Okay.
19 A It's very standardized.
20 Q Let's go to the next page, Bates stamp
21 No. 31659. I want you to go to the -- there are two
22 columns at the top of the page. I want you to go to
23 the right side.
24 Do you see where it says "Candidate's
25 Current Job Title," it says "Senior Java Developer"?

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1 I believe that's correct.
2 Q Okay. Do you recognize any of those
3 names?
4 A I do recognize some.
5 Q Who do you recognize?
6 A I recognize Eleanor Meritt, Thomas
7 Kurian, Lawrence Ellison.
8 Q Okay. And also on this list of
9 approvers, both at line Nos. 1 and 10, it -- or line
10 No. 1 has a background check.
11 So that's what you were talking before
12 where you said before it even gets to you, the
13 background check would have to approve it, correct?
14 A I didn't say it had to be. I said it
15 usually was.
16 Q Okay. Any time that you know where it
17 wasn't?
18 A Yes. There were cases where if we were
19 in a -- a -- I would say time pressure, we might do
20 the background check in parallel to the approval
21 process.
22 Q Okay.
23 A So -- so the background check might not
24 have completed before I approved it.
25 Q How often was that done?

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1 A Yes.
2 Q Would that be in what you would see?
3 A Probably.
4 Q And then underneath that, it says
5 "Current Salary/ATV." In this case, it's 110,000
6 plus 20 percent bonus.
7 Would that be in something that you would
8 see?
9 A It could be.
10 Q Okay. And then "Salary Information,"
11 that would be what Oracle was proposing, correct?
12 A Correct.
13 Q I'm going to now ask you to turn to
14 the -- to the next page, Bates stamp No. 31660.
15 A This page?
16 MR. SHWARTS: The next page, yeah.
17 BY MR. GARCIA:
18 Q Yes, yes.
19 A Okay.
20 Q Do you see where it says "Approval
21 History"?
22 A Yes.
23 Q And then it states all the people who has
24 approved it, correct?
25 A "BGCHECK, HROFFERS."

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1 A It depended on whether the candidate had
2 a -- had a offer to reply to in a very short time
3 frame.
4 Q So if you can give a percentage of a
5 hundred percent of the total ones that you were
6 involved in the approval process, can you estimate
7 how much percentage: 5 percent, 10, 50, 75? I'm
8 just trying to get a gauge. Was it frequently?
9 Seldom?
10 A I would say seldom.
11 Q Okay. Thank you.
12 Now I'm going to ask you to go down a
13 little below that. See where it says "Sequence
14 Number"?
15 A Sequence Number? Okay, it's this one.
16 Okay.
17 Q Okay. And so it lists the -- the name of
18 the approval which matches to Item No. 9.
19 Do you see Lilly [sic] --
20 A Yes, right.
21 Q -- above it.
22 And then there's a "Comment" section
23 where it appears to provide the justification for
24 hiring of that person.
25 Was that usually done in the Comment

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1 section; the hiring manager would put in
2 justification so the approvers can see it?
3 **A** Yes, that's common.
4 **Q** Okay. And would it be common in that
5 justification, if the current salary of the person
6 was known, it was included in those comments as
7 well?
8 **A** Could be.
9 **Q** I understand that it could be.
10 **A** Yeah.
11 **Q** I'm just trying to understand what's
12 Oracle's practice.
13 If Oracle knew the current salary of the
14 person in -- for a hire in your organization, would
15 it be the process to include that?
16 **A** I --
17 **MR. SHWARTS:** Objection. Overbroad.
18 You may answer.
19 **THE WITNESS:** It's not part of the
20 process. The -- the hiring manager might write it
21 in there, but it isn't -- but it's not part of the
22 process to put it in the comment section.
23 **BY MR. GARCIA:**
24 **Q** Was it frequently in the comment sections
25 of the approvals that you reviewed?

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1 some -- you know, only for high-level hires that I
2 had some involvement in. So someone might be a VP
3 or something that I might have some involvement in,
4 I might put a comment in there.
5 **Q** Okay. Any other reason?
6 **A** I might put something in there saying
7 this is a crucial position that we need to fill,
8 something like that.
9 **Q** Would you ever put any comments in there
10 regarding the salary, the proposed compensation?
11 **A** I don't think so. In general, I don't
12 recall ever doing that.
13 **Q** Did you ever reject someone because of
14 salary compensation?
15 **A** In the system, probably not. Let me put
16 it this way. I don't recall rejecting someone in
17 the system because of salary.
18 **Q** Did you reject someone because of salary
19 outside of the system?
20 **A** Not reject. I would -- I wouldn't say I
21 rejected anyone because of salary outside the
22 system.
23 **Q** Did you ever provide any instructions to
24 lower-level managers within your organization
25 regarding a hire that related to compensation?

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1 **A** I wouldn't say it's frequent, but I
2 honestly -- you know, depends on -- I don't know. I
3 don't know if it's frequent. I wouldn't say it's
4 frequent. I wouldn't say -- it's something that may
5 or may not be in there.
6 **Q** Okay. And you're -- and -- and you're
7 unable to tell the level of frequency whether it was
8 in there or not.
9 **A** That's correct.
10 **Q** Is that a correct understanding?
11 **A** That's correct.
12 **Q** Okay. Again, please let me finish even
13 though you know what I'm asking.
14 **A** Sorry.
15 **Q** That's okay.
16 Did you ever make comments in the comment
17 section?
18 **A** Yes, I have made comments in the comment
19 section.
20 **Q** Would you make comments if you rejected a
21 person?
22 **A** I could.
23 **Q** What situations would frequently cause
24 you to make comments in the comment section?
25 **A** I generally would make a comment if I had

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1 **A** Instructions regarding a what, a hire?
2 I'm not sure what that means.
3 **Q** Well, for example, you would say, I think
4 you need to go back, this is too high of a pay, or I
5 don't think we're going to get him because your
6 salary is too low that we're offering.
7 So have you ever provided like comments
8 or instructions like those examples I just provided?
9 **A** Yes.
10 **Q** And which ones that I gave as an example
11 did you provide for?
12 **A** I would say I've probably done, say, hey,
13 probably too high a compensation or probably too low
14 a compensation.
15 **Q** Okay. And how would you do that in the
16 process? If this was coming up to you through the
17 approval process and you felt that the salary being
18 offered was too much, would you reject that and then
19 have a communication with the person to lower it?
20 **A** So what I would say is I don't recall
21 ever rejecting a candidate through the -- you know,
22 salary being too high. I wouldn't say I never did
23 it, but I can't recall a single incidence because
24 the -- generally the -- you know, what I'm looking
25 for is salaries that are way out of band and just

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1 don't generally make it to me.
2 **Q** Okay. So if you did provide guidance to
3 someone in your organization that the salary was too
4 high, how would you know to provide that guidance?
5 Did this come up to you prior to the formal approval
6 process?
7 **A** If I was involved which primarily is very
8 senior people, then they might ask me -- you know,
9 they might run a potential compensation package
10 which includes salary and say, hey, what do you
11 think of this compensation package for that person,
12 for a senior person that I was involved personally
13 in hiring.
14 **Q** Okay. So they would run -- like
15 informally running it by you before they formally
16 submitted it; is that a correct understanding?
17 **A** If I was involved in the process, that's
18 correct.
19 **Q** Thank you.
20 If people reject a candidate, do they
21 state why in the comment section?
22 **A** People -- you're talking about an
23 approver rejects a candidate?
24 **Q** Right. During the approval process, you
25 said a person can either approve or reject, correct?

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1 actual document for this individual person before,
2 but have you ever seen any documents in this format
3 before where it's -- states an Oracle candidate
4 profile summary that has Bates stamp No. 2900 --
5 Oracle_HQ_29 --
6 **A** Yeah. No, I haven't.
7 **Q** -- 001, and there's a second one of Bates
8 stamp No. 33810.
9 Okay. So is -- so in part of what you
10 review on the computer screen, it's not something
11 that states "Candidate Profile Summary"?
12 **A** I do not believe it is.
13 **Q** Okay. Is there -- so we saw in -- in the
14 last document, Exhibit 79, a very detailed
15 information about a candidate, and we see here that
16 there is a -- a summary.
17 Is the information that you're looking
18 about -- that you're reviewing about a candidate to
19 determine if you're going to approve that, is it
20 very detailed like what was at Exhibit 79 or is it
21 summary fashion like in Exhibit 51?
22 **A** What I look at is primarily this, the
23 previous one.
24 **Q** Okay. So let the record reflect that
25 when Mr. Loaiza said, "This is the one" -- or I look

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1 **A** Yes.
2 **Q** And so if someone rejects a candidate, do
3 they provide reasons for that rejection in the
4 comment section?
5 **A** Sometimes.
6 **Q** Is it more frequently than not that they
7 do or more frequently than not that they don't do?
8 Can you tell me that?
9 **A** It's hard because rejections are very
10 rare.
11 **Q** Okay.
12 **A** So like I said, I don't -- extremely rare
13 to reject a candidate in -- in this -- in the
14 approval process -- in this process.
15 **Q** Okay.
16 MR. GARCIA: So I have another document
17 that's been previously marked as Exhibit 51.
18 (Exhibit 51 previously marked for identification.)
19 MR. SHWARTS: Put that aside.
20 THE WITNESS: Pardon me?
21 MR. SHWARTS: I said you can just put
22 that document aside.
23 THE WITNESS: Okay. All right. Aside.
24 BY MR. GARCIA:
25 **Q** I realize that you may not have seen this

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1 at the one like "this, the previous one," he was
2 pointing to Exhibit 78. Okay, thank you.
3 MR. SHWARTS: Put that aside.
4 MR. GARCIA: The previous doc- -- my
5 correction. The previous document was Exhibit 79.
6 Thank you.
7 Court reporter, can you please mark this
8 document as Exhibit 80.
9 THE REPORTER: Sure.
10 (Exhibit 80 marked for identification.)
11 THE REPORTER: Exhibit 80.
12 BY MR. GARCIA:
13 **Q** So have you ever seen a document like
14 that's been placed in front of you at Exhibit 80
15 before?
16 And while you're reviewing that, let me
17 just say that Exhibit 80 consists of a document
18 titled "Candidate Offer Information." The actual
19 document is four pages long, but there is a blank
20 Bates stamp numbered page in between the other pages
21 of the document.
22 **A** I have not seen this before.
23 **Q** Okay. Have you ever seen a document
24 titled "Candidate Offer Information" before?
25 **A** I do not recall a document -- I can only

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1 speak to this document or similar documents because
2 I haven't seen this.
3 Q Okay.
4 A I don't recall seeing this.
5 Q So --
6 A Yeah.
7 Q -- I'm going to go down to just highlight
8 the document a little more. In "Timing Issues," it
9 identifies this referred to an offer that was in --
10 had remained open to December 31st, 2008, to give a
11 time frame perspective of this document.
12 So do you see where it says "Salary"
13 about two-thirds of the way down or 60 percent down
14 on the first page of Bates stamp No. 472274? It's
15 in bold?
16 A Annual base salary?
17 Q Okay. So the sentence under "Annual base
18 salary" says, quote:
19 "Candidate's previous employer and
20 compensation information (Mandatory)."
21 Unquote.
22 Correct?
23 MR. SHWARTS: Are you asking -- I'm going
24 to object as witness has not seen this document
25 before and has never seen a document like it before,

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1 Q Okay.
2 A Yeah.
3 Q So does that refresh your memory whether
4 it was ever mandatory at Oracle for employees to
5 secure from an applicant what their current salary
6 is?
7 A No. It's not a document I've ever seen
8 before.
9 MR. GARCIA: Okay.
10 MR. SHWARTS: Put it aside.
11 MR. GARCIA: Court Reporter, can you
12 please mark the next document as Exhibit 81.
13 (Exhibit 81 marked for identification.)
14 THE REPORTER: Sure. Exhibit 81.
15 BY MR. GARCIA:
16 Q Have you ever seen the document like
17 Exhibit 81 before?
18 A This looks exactly like 80, so I have not
19 seen this before, no.
20 Q Okay. So just for the record, this is
21 another Candidate Offer Information form. It's a
22 three-page document. It has blank Bates-stamped
23 number pages between the pages. The Bates stamp
24 numbers are ORACLE_HQCA 498119 to 498123.
25 So as a point of reference, this document

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1 so questioning him about the document, especially
2 one from 2008, is improper. So I think we should
3 move on. There's nothing he can add to this.
4 MR. GARCIA: No, I'm just trying to
5 refresh his memory, Counsel. So I think --
6 MR. SHWARTS: Refresh his memory of what?
7 He's never seen this before.
8 MR. GARCIA: Okay.
9 MR. SHWARTS: Ask him -- you want to ask
10 him a question, I have no problem with that, but I
11 don't want him referring to the document that he's
12 never seen or that he has never referred to before.
13 MR. GARCIA: Objection noted.
14 BY MR. GARCIA:
15 Q Did I read that sentence correctly?
16 A Could you please repeat what you were
17 saying?
18 Q So underneath the "Annual Base Salary"
19 that you just referenced is the sentence of:
20 "Candidate's previous employer and
21 compensation information (Mandatory)."
22 Unquote.
23 Did I read that correctly?
24 A As I'm reading the document, it -- that's
25 what the document says.

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1 for the "Offer remains open" date is May 14th,
2 2009 and that it has the same sentence as discussed
3 before:
4 "Candidate previous employer and
5 compensation information (Mandatory)."
6 Unquote.
7 And the "Mandatory" in both documents was
8 bolded.
9 MR. SHWARTS: Going to move to strike.
10 There's not -- there was no question there.
11 MR. GARCIA: I was just setting the
12 record what the document was.
13 MR. SHWARTS: For what?
14 MR. GARCIA: That's fine.
15 MR. SHWARTS: Why are you wasting time
16 doing that?
17 MR. GARCIA: Okay. Can you mark the next
18 document as Exhibit 82, please.
19 (Exhibit 82 marked for identification.)
20 THE REPORTER: Exhibit 82.
21 BY MR. GARCIA:
22 Q So before I ask you any questions, this
23 is a Candidate Offer Information. It goes from
24 Bates stamp No. 464341 to 464344.
25 This document is different from the other

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1 documents because it identifies that the target date
2 to be confirmed by the candidate on his or her
3 acceptance at the bottom of the first page at Bates
4 stamp No. 464341 was June 2015. So this document
5 was during the pendency of the litigation period of
6 this litigation.
7 This document is similar; although, it's
8 slightly different from 80 and 81. Have you ever
9 seen this document before at Exhibit 82?
10 **A** No, I have not.
11 **Q** Have you ever seen something similar to
12 this document at Exhibit 82?
13 **A** No.
14 **Q** And I will note for the record that this
15 document also states:
16 "Candidate previous employer and
17 compensation information (Mandatory)."
18 This time it's all in one line as opposed
19 to the other form which was -- had two rows of
20 information for that complete sentence.
21 **MR. SHWARTS:** There's no question.
22 **MR. GARCIA:** I'm just documenting what
23 the document is because it's slightly different than
24 the other document --
25 (Simultaneous cross-talking.)

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1 **MR. SHWARTS:** Unless you plan on
2 testifying at the hearing, Mr. Garcia, what you say
3 and what the document says really has no meaning.
4 **MR. GARCIA:** What the document says has a
5 lot of meaning, actually.
6 **MR. SHWARTS:** Well, when someone comes
7 and authenticates it and can say what it is and --
8 it's not this witness, so...
9 **MR. GARCIA:** I understand, Counsel. I'm
10 just seeing what the witness' knowledge is.
11 Court reporter, can you please mark the
12 next document as Exhibit 83?
13 (Exhibit 83 marked for identification.)
14 **THE VIDEOGRAPHER:** Hold on. Exhibit 83.
15 **BY MR. GARCIA:**
16 **Q** And Exhibit 83 is "Candidate Offer
17 Information." It is Bates stamp No. 464386 to
18 464389, is a different document than what's been
19 shown in Exhibits 81 and 82.
20 Have you ever seen -- correction, 80 and
21 81.
22 Have you ever seen this document
23 before --
24 **A** I have --
25 **Q** -- Exhibit 83?

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1 **A** I have not.
2 **Q** Have you ever seen anything like this
3 document before at Exhibit 83?
4 **A** No, I have not.
5 **Q** Have you seen any document containing the
6 information like information at Exhibit 83 before?
7 **A** This basic information in here, that's in
8 a lot of documents.
9 **Q** Did you see any information or any
10 computer screen with information like that that's at
11 Exhibit 83?
12 **A** I'm looking at this document for the
13 first time. It has similar information to
14 Exhibit 79, but I'd have to go through and compare
15 on a line-by-line basis to see how similar it is.
16 **Q** Now, before I asked you about whether
17 you've seen documents like 80, 81 and 82 before.
18 Do you remember that?
19 **A** (No audible response.)
20 **Q** And you said no, correct?
21 **A** Right. Correct.
22 **Q** But you've also told me that the
23 information that you received to make an approval is
24 not in documentary form, correct?
25 **A** I'm sorry, is not in documentary form?

99

1 **Q** You told me it's on the computer screen.
2 **A** It's on the computer screen, yes.
3 **Q** So it's not in documentary form.
4 **A** It's not a document. It's a computer
5 work flow.
6 **Q** Right. So now I'm going to ask the
7 question slightly different.
8 **A** Yeah.
9 **Q** Have you ever seen any documents like
10 Exhibit 80 on the computer screen?
11 **A** What I have seen is document -- something
12 similar to document 79.
13 **Q** So that's the form that --
14 **A** To the extent that 80 is similar to 79,
15 I'm not going to judge that what I've seen as 79.
16 Eighty is not something I recall seeing on a
17 computer screen.
18 **Q** Okay. So you have identified, I believe,
19 that the information in Exhibit 79 is similar to the
20 information in Exhibits 80 to 83?
21 **A** I said I'd have to go through it piece by
22 piece because I'm --
23 **Q** A lot of the infor- --
24 **A** -- just being presented these documents.
25 I know what's in 79 because I've seen that before.

100

1 Q So --
2 A These other documents I've never seen
3 before.
4 Q What I'm -- I asked for 80, so I'll just
5 group 81 and 82 --
6 A Yeah.
7 Q -- together.
8 Have you seen information in the format
9 of documents 80 through 83 when you were looking at
10 a computer screen for the approval process?
11 A No. These formats, I -- I don't recall
12 seeing on the computer screen.
13 Q I just wanted to make sure that your
14 answers --
15 A Yeah.
16 Q -- were you've never seen these format --
17 or let me just ask.
18 Have you ever seen the formats of
19 Exhibits 80 through 83 on any medium, whether it's
20 documents, whether it's a computer screen, whether
21 it's a video? I'm just trying to see if you've seen
22 them.
23 A Before today, I don't recall ever seeing
24 that document.
25 Q The formats before?

101

1 Q Okay. So it's at least the sending
2 manager?
3 A Yeah, that's correct.
4 Q Do you know why the sending manager
5 has -- is involved in the approval process?
6 A Because he's the current manager of the
7 employee being transferred.
8 Q And so he has to approve that employee
9 before that employee can be transferred?
10 A That's correct.
11 Q What about if the employee is working for
12 Manager A, seeks to fill a job posting for Manager
13 B, would Manager A have to give an approval for the
14 employee to leave his organization to fill a
15 posting?
16 A I'm sorry, I'm not following the
17 question.
18 Q So -- so I'm trying to understand to make
19 sure we're both discussing transfer.
20 A Okay.
21 Q Are you defining "transfer" as any time a
22 person moves from one organization to another
23 organization?
24 A Yeah, from one --
25 Q Supervisor?

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1 A Yeah, yeah. Nor the formats, yes.
2 Q Okay. Thank you.
3 I'm going to switch gears here, go to a
4 new topic: Transfers.
5 A Okay.
6 Q Are any approvals required for transfers?
7 A Yes.
8 Q What approvals are required for
9 transfers?
10 A The approval process is -- generally goes
11 up to the common manager of the transfer --
12 Q And --
13 A -- for the two groups.
14 Q -- what if they work in different lines
15 of business?
16 A They would go up to the head of those
17 businesses.
18 Q Does -- the receiving manager and his
19 chain of command would have to give an approval,
20 correct?
21 A That's correct.
22 Q And would the sending manager and his
23 chain of command have to give an approval too?
24 A The sending manager does. I'm not sure
25 about the chain of approval.

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1 A -- group to another group, yes. Yeah.
2 Q Okay.
3 A One supervisor. That's probably a better
4 way to put it.
5 Q Thank you.
6 And so would you also include in that
7 definition of transfer if the person for -- in
8 Manager A's organization move to Manager B's
9 organization to fill a requisition --
10 A Uh-huh.
11 Q -- would you also consider that to be a
12 transfer?
13 A Yeah. Any time someone moves between
14 organizations, it's either a transfer or a
15 reorganization.
16 Q Okay. That's what I'm trying to
17 understand.
18 So if someone is filling a requisition or
19 a job vacancy in one organization, do you know why
20 the sending manager has to give his approval?
21 A Yes. I mean, in general.
22 Q Can you tell me why?
23 A Yeah. So if -- if someone is filling a
24 vital position for that manager, then that manager
25 has some say in time span of when that person can

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1 transfer. So as part of the transfer process, you
2 specify transfer date.
3 **Q** Thank you.
4 Now, when a person moves from one
5 organization to another organization, does the
6 head -- his head count move too?
7 **A** No.
8 **Q** I'm going to ask the same question for
9 salary.
10 When a person moves from one organization
11 to another organization, does the salary move too?
12 **A** Generally, yes. Salary is unchanged on a
13 transfer in general.
14 **Q** So when you say un- -- "unchanged," you
15 mean there's no salary increase in general, correct?
16 **A** No salary increase or decrease.
17 **Q** Understand.
18 **A** In general. Because there's different
19 organizations. So let me say it -- let me be a
20 little more precise.
21 Within development, if it's a development
22 organization to development organization, there is
23 very rarely any change in salary.
24 **Q** Understand.
25 So -- and again, I -- I don't under- -- I

105

1 transfer?
2 **A** No.
3 **Q** Okay. "No" meaning yes, right?
4 **A** No -- no budget is transferred along with
5 the --
6 **Q** Okay?
7 **A** -- along with moving the person.
8 **Q** Okay. Now, before when we were talking
9 about when you were doing salary increases, you told
10 me there were three different processes. You told
11 me there was one for an increase in base pay.
12 There's another one for bonuses. And then a third
13 one for equity and stock, correct?
14 **A** That's correct.
15 **Q** And so does the one for base pay, does it
16 have a name?
17 **A** I think it's called focal process.
18 **Q** A focal review?
19 **A** I don't think it's called -- I think it's
20 called focal --
21 **Q** It's focal something?
22 **A** Yeah, focal something. Focal -- we call
23 it the focal process.
24 **Q** Fair enough. Fair enough. I just want
25 to know so I can talk and use terms that you

107

1 just don't understand.
2 So if the head count stays in the old
3 organization that the person transferred from, but
4 the salary moves with the person, the budget dollars
5 for that salary would move too, correct?
6 **A** No. No, the budget dollars do not move.
7 **Q** Okay.
8 **A** Budget dollars and head count is same
9 thing.
10 **Q** That's what I was trying to figure out.
11 Okay. So budget dollars and head count
12 always stay with the organization, and the only
13 thing is that the person who transfers makes the
14 same amount of money in this new organization?
15 **A** Yes, almost always.
16 **Q** Okay. Okay. Because when you said the
17 salary moved, I was thinking the dollars for that
18 salary moved.
19 So what only moves is the obligation to
20 pay him the same amount?
21 **A** Yeah. The person's salary is almost
22 always unchanged --
23 **Q** Right.
24 **A** -- as part of a transfer.
25 **Q** But no money changes hands because of a

106

1 understand.
2 **A** Uh-huh.
3 **Q** And do you know what the bonus process --
4 what do you call the bonus?
5 **A** Bonus. Yeah.
6 **Q** Okay. Have you ever heard the term
7 "variable pay"?
8 **A** We don't use that term.
9 **Q** Fair enough.
10 **A** In development, I should say. You never
11 know. In my organization, we don't use that phrase.
12 It might be used by other organizations within
13 Oracle.
14 **Q** When was the last time that you
15 participated in the focal review for your
16 organization?
17 **A** In May.
18 **Q** May of 2019, correct?
19 **A** Yes, 2000 -- yes. I'm thinking it might
20 be June, but I think it's May.
21 **Q** Okay. Within the last two months, let's
22 say?
23 **A** Yes. Right.
24 **Q** Fair enough.
25 When was the last time before that?

108

1 **A** For focal process, is that what was your
2 question?
3 **Q** Yes.
4 **A** When's the last time we had a focal
5 process?
6 **Q** Did you have one that was effective
7 January 1st, 2018?
8 **A** I don't recall the exact date, but
9 certainly within 2017, 2018 was our last one. I
10 don't -- I don't recall the exact date.
11 **Q** And I'm going to ask you to go back even
12 before that. Do you remember -- again,
13 approximately. 2017, '18 is a ballpark figure, so
14 that's fine.
15 **A** Yeah.
16 **Q** Do you remember a ballpark year for the
17 one before that?
18 **A** I mean, most years, but not every year,
19 we will have a focal process.
20 **Q** Right. Okay. So that was -- I was going
21 to ask you, is the focal process an annual process.
22 And the answer is no, but lots of times you do have
23 it yearly?
24 **A** Yeah. It's common to have one every year
25 but it's not every year.

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1 **A** Okay.
2 **Q** Okay. Now, did Oracle use the same
3 program in the focal review in 2017, 2018?
4 **A** Not the exact same program.
5 **Q** Did it use a similar program?
6 **A** Yes, it used a very similar program.
7 **Q** And did it have a different name?
8 **A** I don't remember.
9 **Q** That's fine.
10 **A** It was a similar name. I'm not sure
11 whether it was exactly the same.
12 **Q** Okay. So we previously talked about
13 how -- how budgets are allocated in your
14 organization. And we previously talked about how
15 they would -- doesn't necessarily go down to the
16 lowest level manager, it may be some steps above
17 them.
18 Is there any criteria that is used in
19 your organization to determine how low the budgets
20 go? So like it has to be someone who has at least
21 20 people reporting to them or can go to someone as
22 low as five? Any criteria like that?
23 **A** It's generally decided at each level
24 as -- as the budget flows down whether the manager's
25 got to do it themselves or -- or pass it down.

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1 **Q** Now there's a certain program that you
2 use when conducting focal reviews. Do you know what
3 that program is?
4 **A** Yes.
5 **Q** What is it called?
6 **A** Okay. It's not a focal review. It's a
7 focal process.
8 **Q** Thank you. I will use your term. I
9 apologize.
10 **A** Yeah.
11 **Q** So what is the program called that you
12 use during focal process?
13 **A** It's called compensation workbench, but
14 I'm not sure because that term is not really
15 commonly used. I think it's called --
16 **Q** By you?
17 **A** By me, yeah.
18 **Q** Okay.
19 **A** It might be called compensation
20 workbench.
21 **Q** Okay. So for the purposes of this
22 deposition, we're just going to say -- so that we
23 understand what's being said --
24 **A** Yes, yes.
25 **Q** -- it's compensation workbench.

110

1 **Q** Okay.
2 **A** As a rule, you know, larger organizations
3 tend to pass it down. And as you get smaller and
4 smaller number of reports, it might not be passed
5 down to you. So if you have one report, maybe you
6 don't get your budget, you just get assigned.
7 **Q** In your organization for the last focal
8 review that was just done a couple months ago, do
9 you know how far -- what was the lowest level it
10 went down in your organization?
11 **A** I don't know.
12 **Q** Okay. Do you know if it ever stopped at
13 the M4 senior director level?
14 **A** I -- to be frank, I don't know to what
15 level my managers passed down their information.
16 **Q** Do you know whether your managers, all of
17 your direct reports, pass down it to people below
18 them?
19 **A** I don't know.
20 **Q** Okay. So let's say it's gone to the
21 lowest level manager that it's going to go to.
22 **A** Uh-huh.
23 **Q** Okay. And before we talked about
24 rankings and ratings.
25 Do you recall that?

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1 **A** Yes.
2 **Q** So what point scale is the ratings on?
3 One to ten? One to five? One to seven? What?
4 **A** Ratings, I believe, is one to five.
5 **Q** One being lowest or highest?
6 **A** One is lowest.
7 **Q** Five being the highest, right?
8 **A** That's correct.
9 **Q** Okay. And then after a person's assigned
10 a rating, they're ranked, correct?
11 **A** We generally rank most but not all the
12 employees, yes.
13 **Q** Okay.
14 **A** I wouldn't say it's after. It's
15 during -- it's in the same process, yes.
16 **Q** Understand.
17 And in this process of ranking a person,
18 is there any justification, written justification,
19 as to why one person was ranked a certain way or...
20 **A** No, there is nothing. There's no written
21 justification.
22 **Q** Excuse me.
23 Is there any written justification for
24 why people received a certain rating?
25 **A** No, there is not.

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1 performance evaluations.
2 **A** Since it was something we don't do, you
3 know, it's not -- you know.
4 **Q** When a person qualifies, then I try to
5 explore the qualification.
6 **A** Yeah.
7 **Q** Now, when a -- and then after the person
8 does the ratings, then the rankings, then they make
9 a pay recommendation, correct?
10 **A** It's all done as part of one process.
11 **Q** I understand.
12 **A** Right, yeah.
13 **Q** But the person usually does the ratings
14 and the rankings in that process before they do the
15 pay recommendation, or do you know?
16 **A** It's all in one -- it's one process that
17 has all three things in it, so --
18 **Q** Okay. Very good.
19 **A** -- there's no -- there's no multistep
20 process where first you do the ratings, first you do
21 the rankings.
22 **Q** I -- I understand. Thank you.
23 It's -- it's like done simultaneously?
24 **A** Yeah, roughly simultaneously.
25 **Q** Okay. So I have to ask the question. I

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1 **Q** Okay. And I apologize if I asked this
2 earlier and asking it again.
3 The ratings and the workbench com- --
4 it's compensation workbench. I got to write that
5 down to make sure I remember it.
6 Is that different from the ratings -- the
7 performance valuation?
8 **A** We don't generally do performance
9 evaluations.
10 **Q** Okay.
11 **A** Formal -- I should say formal performance
12 evaluations.
13 **Q** Okay. Thank you.
14 So the compensation workbench ratings
15 would be independent of any performance evaluations
16 that were done, correct, in your organization?
17 **A** As I mentioned, we don't generally do
18 formal performance evaluations.
19 **Q** So what I'm trying to take into account
20 is for those times that you do, are the ratings in
21 the compensation workbench the same as the
22 performance evaluations or are they done
23 independently of that?
24 **A** We don't do performance evaluations.
25 **Q** Okay. I got the message. You don't do

114

1 asked about ratings and rankings, whether there was
2 any written justification.
3 Is there any written justification for
4 the pay recommendations?
5 **A** No.
6 **Q** Now, a manager's pay recommendations, can
7 a manager ever go above the budget he was allocated?
8 **MR. SHWARTS:** Objection to the
9 hypothetical.
10 You may answer.
11 **THE WITNESS:** Pardon me?
12 **MR. SHWARTS:** You may answer.
13 **THE WITNESS:** He can ask for more budget.
14 But the budget that's assigned to him, he cannot --
15 that's ultimately assigned we cannot go over.
16 **BY MR. GARCIA:**
17 **Q** So -- and I'm just -- just going to give
18 you an example in simple terms for my mind.
19 So if the manager is allotted ten
20 dollars, when he's filling out this form where he
21 does simultaneously pay recommendations, ratings and
22 rankings on that computer system, the compensation
23 workbench, can he put in his recommendations that
24 would go beyond ten dollars?
25 **MR. SHWARTS:** Are you -- so let me

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1 clarify.
2 MR. GARCIA: Yeah.
3 MR. SHWARTS: Are you asking as a matter
4 of --
5 MR. GARCIA: I'm first asking does he
6 know whether they can do it.
7 MR. SHWARTS: That's -- as a -- as a
8 technical matter, like could he put it in and would
9 it be accepted?
10 MR. GARCIA: Yes.
11 MR. SHWARTS: Okay. You may answer.
12 THE WITNESS: I've seen the system reject
13 levels over the budget, but I can't say that happens
14 a hundred percent of the time because I've also seen
15 cases where it's been rejected. So there might be
16 some small thing, but the system does reject some.
17 BY MR. GARCIA:
18 Q Okay. So when you say the manager can
19 request it for more money, is that outside of the
20 compensation workbench process?
21 A Yes, that's right.
22 Q Okay. I was just trying to understand
23 where it occurred.
24 A Actually, no, I -- let me take that back.
25 They -- their -- their request is

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1 been approved and you can now communicate the -- the
2 compensation information.
3 Q So is Larry Ellison in your chain of
4 command?
5 A Yes, he is.
6 Q Okay. Have you ever received any message
7 on the computer screen -- and Larry Ellison's --
8 strike that. Let me start over.
9 Larry Ellison's initials are LJE,
10 correct?
11 A Yes, that's correct.
12 Q Have you ever seen a message on the
13 computer screen saying that LJE has approved?
14 A I'm not sure whether it precisely says
15 LJE but...
16 Q Or approved by LJE?
17 A LJE? Generally it will say Larry
18 Ellison, let me put it that way.
19 Q Okay. So the computer screen will inform
20 you that Larry Ellison has approved it, correct?
21 A If he's -- if -- yeah, if it's an
22 approval process.
23 Q Okay.
24 A Whether it says LJE or Larry Ellison,
25 generally it will say Larry Ellison not LJE.

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1 outside, but the extra budget is inside if they were
2 allocated --
3 Q I gotcha.
4 A -- this budget.
5 Q I gotcha.
6 Now, once a manager makes his
7 recommendation in compensation workbench, can then
8 he tell the empl- -- is he allowed to and tell the
9 employees what he's recommended for their pay in
10 your organization?
11 A He's not allowed to tell the employees
12 what's been recommended until it's been completely
13 approved.
14 Q And when you say "completely approved,"
15 approved -- who is the last level of that approve --
16 approval process?
17 A I don't know. But when we get a message
18 saying that we -- everything has been approved,
19 that's when a man- -- that's when the manager can --
20 Q Okay. And the message says everything's
21 been approved, or does it tell you who -- who
22 approved it?
23 A Doesn't say who approved -- general --
24 depends. But in general, we get a message saying
25 the -- the budget -- or the recommendations have

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1 Q Okay. I was trying to find out if his
2 name, whether it's initials or --
3 A Yeah.
4 Q -- his actual name was communicated.
5 A Yeah.
6 Q And what I understand you to say is, the
7 approval process will indicate that Larry Ellison
8 has approved it; you're just unsure of the exact
9 format of that, correct?
10 MR. SHWARTS: Where he's in the approval
11 process, is what he testified to.
12 You may answer.
13 THE WITNESS: Yeah. Where he's in the
14 approval process, it will say he approved.
15 Generally at the -- from my recollection, it doesn't
16 normally say LJE. It normally says Larry Ellison.
17 BY MR. GARCIA:
18 Q Okay.
19 A You're asking precisely about LJE, so I'm
20 answering your precise question with the initials.
21 Q So after a manager pay -- makes a pay
22 recommendation for his people, what happens next?
23 A So the managers will enter their pay
24 recommendation.
25 Q Okay. Then what happens?

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1 **A** Then it has to be approved by the
2 management chain.
3 **Q** And you're in that management chain,
4 correct?
5 **A** Yes, I am. For my managers, yes.
6 **Q** Well, are you also look -- when you -- so
7 when you give your approval, you're not only giving
8 your approval for the compensation for your direct
9 reports, but you're giving your approval for
10 everyone within their organization, correct?
11 **A** Yeah, I'm approving the entire raise
12 proposals for my organization.
13 **Q** For your entire organization?
14 **A** That's right.
15 **Q** So what do you look at?
16 **A** Primarily I look at does it follow our
17 guidelines in terms of how many people are getting
18 a -- I mean, you're focused narrowly on raise, not
19 on bonus and -- and equity, correct?
20 **Q** At this point in time, yes.
21 **A** Okay, yes.
22 **Q** I'm only talking about focal process --
23 **A** Right.
24 **Q** -- at this point in time.
25 **A** Yeah. So I look at a number of factors.

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1 **Q** Okay. Is there any -- so other than that
2 correction, is there anything -- was that correct
3 what I stated?
4 **A** I think that's true. I might -- there
5 might be other things I look at, but that's the
6 primary things I look at.
7 **Q** Well, see -- see, you know me so well you
8 answered my next question.
9 **A** Yeah.
10 **Q** Given that there may always be something
11 else, is there any other major item that you would
12 look at, that you have consistently looked at?
13 **A** I can't recall anything at the moment.
14 **Q** Do you know what your direct reports
15 review?
16 **A** I'm sorry, what they review?
17 **Q** Let me rephrase. It was a bad question.
18 Do you know what factors your direct
19 reports consider when they're connecting their
20 review?
21 **MR. SHWARTS:** In the focal process.
22 **MR. GARCIA:** Again --
23 **THE WITNESS:** In the focal process.
24 **MR. GARCIA:** -- we're all in the focal
25 process until I say otherwise. I will say otherwise

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1 One factor is there's -- primary factor is there's
2 nothing crazy being proposed like someone getting a
3 \$10 million raise that's currently making, you know,
4 \$100,000 or something.
5 Secondary factor is that the ratings and
6 rankings have a correspondence to the level of -- of
7 pay that's being proposed.
8 **Q** Okay. Anything else you're looking at?
9 **A** The only other thing I would look at is
10 if it's -- in -- in a few cases, if it's someone
11 that I know that I've worked closely with, I might
12 look at those people's salary because I might have
13 some sense of what, you know, they should be making.
14 And, you know, I look at, is -- is it within budget.
15 **Q** So as I understand it, you say you look
16 whether it's in budget, where something crazy is
17 happening where the proposed raise is way out of
18 proportion to what the person is currently making,
19 that you look at the ratings and rankings to see if
20 the pay is commensurate with that, and you also look
21 at any individuals you personally know.
22 Is that a correct understanding?
23 **A** I said I might. I didn't say I'd look at
24 all. I'm just saying I might look at someone if I
25 personally know them.

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1 at a point in time but not now.
2 **MR. SHWARTS:** Yeah. It's just, I
3 don't -- I want the transcript to be clear just in
4 case something -- you know, you go back to a
5 specific spot in the transcript, it's not going to
6 be clear that it's focal process.
7 **MR. GARCIA:** Okay.
8 **MR. SHWARTS:** If you're not sure about
9 it.
10 **BY MR. GARCIA:**
11 **Q** Yeah.
12 **A** As you move down the organization,
13 there's more personal knowledge of the employees.
14 **Q** I -- I understand that.
15 **A** Right. So they -- so I think you'll get
16 more reviewing just beyond rankings and ratings.
17 They're looking -- they might -- they're more likely
18 to know the individual people than I am in my
19 organization. There's a lot of people in my
20 organization.
21 **Q** But what I'm trying to understand is, as
22 we sit here today -- and I'm only talking right now
23 about your direct reports not -- you know, you're an
24 M8, so I'm not talking about an M1.
25 **A** Yes.

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1 Q So I'm talking about your direct reports,
2 whether they be an M7 --
3 A Yes.
4 Q -- 6, 5 or 4.
5 Do you know what factors they consider
6 when they're conducting a review?
7 A Yeah. I think -- I mean, another factor
8 I should probably mention is we look at what we
9 would consider the person's market salary and are
10 they significantly above or below.
11 Q And how do you determine a person's
12 market salary?
13 A Well, that has to be judged by the -- by
14 the manager that knows the person and knows the work
15 that they're doing, the specific specialty, their
16 experience.
17 Q And do you know if they are personally
18 doing that?
19 A I'm sure they are doing for some people,
20 at least for their direct reports.
21 Q And -- and I don't want to be mean --
22 A Yeah.
23 Q -- but I don't want you to guess.
24 So, you know -- so I'm going to ask you,
25 do you know for certain that they are in fact doing

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1 A Roughly talk about -- about looking
2 primarily at performance for -- of each individual
3 employee.
4 Q So if it primarily looks at performance
5 and you don't -- your organization doesn't do
6 performance evaluations, is there -- is it just
7 based on what a person has in their head and
8 knowledge of a person's performance over a year?
9 A Yeah. So the performance ratings are set
10 by the person's manager, and the manager works
11 directly with those employees all year long.
12 Q So he sets these ratings, and that
13 would -- these would be presumably in written
14 format?
15 A The numbers are put into the workbench.
16 The numbers, yes.
17 Q So is what you're telling me that the
18 manager communicates with his people all year long
19 based on written performance goals that he's given
20 to these people?
21 I'm not understanding when you say -- I
22 know that numbers are put into workbench.
23 A Right.
24 Q We've already discussed that --
25 A Yeah.

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1 it or are you saying what you believe they should do
2 or do?
3 A Well, let me just say, I believe they
4 should do.
5 Q Okay. Thank you.
6 And again, I'm not --
7 A There is no formal process of determining
8 a market salary, so it's not something that's part
9 of the process.
10 Q And there's -- and is there guidelines
11 that set forth what a manager should actually review
12 when he's making the initial pay recommendations, to
13 your knowledge?
14 A There is some written guidelines, yes.
15 Q And they tell what a manager should look
16 at?
17 A Yes, they -- they talk about that.
18 Q And do you know what those guidelines
19 state?
20 A Roughly.
21 Q Well, again -- again, you can es- -- if
22 you have a familiarity and -- and you --
23 A Yeah.
24 Q -- kind of, I would ask you for your
25 knowledge?

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1 Q -- you know, one to five.
2 I'm -- I'm -- I'm trying to figure out if
3 it's based on a performance, is there any
4 documentation of that performance evaluation of that
5 performance other than putting the number in
6 workbench?
7 A No, there's no other documentation.
8 Q Okay.
9 A The manager that works directly with the
10 people judges their level of performance.
11 Q Okay. So you said that the guidelines
12 say primarily performance. Do the guidelines
13 provide anything else for the manager to look at, to
14 your knowledge?
15 A I think there's probably other stuff in
16 there, but I can't remember what it was.
17 Q Okay. Before we talked about what you
18 looked at. Are -- is that based upon your own
19 personal preference, or are you following any type
20 guidelines or direction?
21 A There are guidelines and directions that
22 are -- that are passed down as part of this process,
23 yeah.
24 Q Now, do you take training on this process
25 yourself?

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1 **A** I do not take training; although, there
2 are -- there's documents that you can look at that
3 talk about it.
4 **Q** Do -- so when I take training, I think
5 you and I were talking about like an instruction
6 where someone was telling you, right?
7 **A** Correct.
8 **Q** Do you look at the documents, like
9 PowerPoint presentations describing what steps
10 you're supposed to do and how to do the process?
11 Is that what you're referring to?
12 **A** Yeah, it's primarily e-mails. It can be
13 PowerPoints. Primarily e-mails.
14 **Q** Okay. Do you look at any PowerPoints
15 regarding the compensation process?
16 **A** I have looked at PowerPoints, yes.
17 **Q** My next question is, when was the last
18 time that you looked at a PowerPoint?
19 **A** I -- I don't recall. But there's --
20 primarily it's e-mails, but there's also
21 PowerPoints, and I've looked at all of them over
22 many years.
23 **Q** Okay. Can I -- is it proper to say that
24 you haven't looked at a PowerPoint presentation for
25 the last focal review in May?

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1 **Q** Is there any other guidance on who should
2 be compensated?
3 **A** There's guidance on percentages of people
4 that should be compensated but not specific
5 individuals or anything like that.
6 **Q** Okay. So I don't know what you mean by
7 percentage of people.
8 Is it -- are you saying like these
9 increases should be given to no more than 30 percent
10 of your people?
11 **A** Yeah. As an example, they would say no
12 more than 70 or 80 percent or something like that,
13 yes.
14 **Q** Again, since you just did a focal
15 review --
16 **A** Yes.
17 **Q** -- do you remember what the guidelines
18 were for the focal review for percentages for a
19 couple months ago?
20 **A** I've done so many of these things that
21 they blur in my brain. But --
22 **Q** Well, it should be in the forefront of
23 your mind.
24 **A** Yeah, it should be. You're right.
25 (Simultaneous cross-talking.)

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1 **A** I look at so many PowerPoint
2 presentations.
3 **Q** I have to ask, you know. If you know,
4 you know.
5 **A** I don't know --
6 (Simultaneous cross-talking.)
7 **Q** If you don't know, you don't know.
8 **A** -- any particular.
9 **Q** Okay. And again, I'm going to ask, do
10 you recall looking at any PowerPoint presentations
11 for the focal review in 2017 or 2018?
12 **A** I -- I -- I don't recall --
13 **Q** Again --
14 **A** -- if it's PowerPoint or e-mail or which
15 ones I looked at, the format of the -- of the -- of
16 the thing.
17 **Q** Now, you said you received e-mails. What
18 types of information is in the e- -- e-mails
19 regarding the process beyond, let's say, a timeline
20 that -- when things have to be accomplished by?
21 What else beside that?
22 **A** There's some general guidance on -- focus
23 on the top performers and make sure top performers
24 are, you know -- you know, properly compensated,
25 yes.

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1 MR. SHWARTS: She's going to shoot you
2 guys.
3 THE WITNESS: Yeah, sorry. Stop talking
4 over each other.
5 MR. GARCIA: I apologize.
6 THE WITNESS: So.
7 BY MR. GARCIA:
8 **Q** So any idea, any es- -- I don't want you
9 to speculate but --
10 **A** Right.
11 **Q** -- any estimate?
12 **A** Estimate, probably 80 to 90 for focal
13 process.
14 **Q** So it -- so that extensive, almost -- a
15 significant amount of the population the percentages
16 would include?
17 **A** It's not what you should exclude. It's
18 kind of a maximum you can include. But yes, that's
19 correct.
20 **Q** Is there any guidance on how much of that
21 percentage, where it's optional to you as to how
22 much, but is it -- strike that.
23 Is the percentages, you can go up to a
24 certain percentage like 80 percent, not more, but
25 it's up to you how much you go; is that --

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1 **A** That's correct, yes.
2 **Q** Okay. Is there any guidance regarding
3 what groups of people other than star performers
4 increases should be given to?
5 **A** No, I don't think so.
6 **Q** Okay. Now I asked you before, you know,
7 the -- the knowledge of your, you know, direct
8 reports, and you again -- you know, you said
9 primarily performance, and then you've given me
10 information about percentages.
11 Any other guidance that is given out to
12 people beyond performance and percentages and
13 timelines about what they should do, what they
14 should look for, any point of focus, anything like
15 that?
16 **MR. SHWARTS:** Objection. Compound.
17 Overbroad.
18 You may answer.
19 **THE WITNESS:** I mean, to the other -- the
20 other important thing is make sure that top
21 performers are compensated adequately --
22 **BY MR. GARCIA:**
23 **Q** Okay.
24 **A** -- is the other guideline that we tend to
25 follow.

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1 don't understand why something was done, what do you
2 do?
3 **A** I'll generally communicate with the
4 direct report of mine that -- that -- who is
5 responsible for that particular individual.
6 **Q** And then get feedback from him?
7 **A** Yes. I'll say -- that's exactly right,
8 yeah. I'll get feedback on, you know, why that
9 specific, you know, compensation is being given.
10 **Q** Okay. Now, when you're doing your
11 review, do you ever look at -- or strike that.
12 In this compensation workbench, is
13 gender -- is a person's gender in -- in the program,
14 compensation?
15 **A** I don't believe it is.
16 **Q** How about race?
17 **A** I don't believe it is.
18 **Q** Do you ever look at compa-ratio -- or
19 strike that.
20 Do you know what a compa-ratio is?
21 **A** I don't think so.
22 **Q** Okay. You earlier talked about salary --
23 I'll do that at a -- let me just ask the question,
24 then I'll follow it up later.
25 Do you ever look at compa-ratios when

135

1 **Q** Any other guidelines besides that one?
2 **A** I can't recall specific guidelines, but
3 most of the guidelines are common sense.
4 **Q** Okay.
5 **A** So there's a lot of common sense stuff
6 that kind of gets said.
7 **Q** Okay.
8 **A** But I don't recall because it's sort of
9 like common sense.
10 **Q** Just -- just like whether you took notes
11 this morning, whether I recalled that.
12 When you say "adequately," make sure the
13 star performers are compensated "adequately," what
14 do you mean -- what is meant by "adequately"?
15 How does one determine what's adequate?
16 **A** Generally comparing to what we believe
17 is -- is -- is the market rate for -- for someone.
18 **Q** Okay. So same type of information you
19 told me about starting pay when you're hiring
20 someone, correct?
21 **A** Yeah, it's the market -- market rates,
22 yes. Market -- you know, competitive compensation,
23 let's put it that way.
24 **Q** When you're reviewing and you see
25 something is not right or not acceptable or you

134

1 you're doing your review?
2 **A** Compa-ratio.
3 **Q** C-O-M-P-A space ratio.
4 **A** Compa-ratio. I think there is a
5 compa-ratio but I can't be sure because it's not
6 something I really look a whole lot at. There's a
7 lot of information in there.
8 **Q** I'm actually going to show you a slide
9 with all fields, but I just want to --
10 **A** Yeah, yeah.
11 **Q** -- first see what -- what you do and what
12 you remember.
13 Do you look at if people are below the
14 minimum of the salary range?
15 **A** I don't look at that.
16 **Q** Okay. Do you know whether any of your
17 people do?
18 **A** They might.
19 **Q** Okay. You just don't know, correct?
20 **A** Yeah, that's right.
21 **Q** And by "people," I mean any of the
22 managers in your organization. You understood that,
23 right?
24 **A** Yes.
25 **Q** Thank you.

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1 And once you're done reviewing and
2 getting the feedback, if you had any issues with it,
3 what happens next?
4 A Well, I generally approve it.
5 Q Okay. And then it goes to Mr. Mendelson,
6 right?
7 A That's correct.
8 Q Do you know -- excuse me.
9 Do you know what he looks at when he's
10 conducting his review?
11 A Okay. Let me -- let me correct my
12 previous statement.
13 In the time frame that you're talking
14 about, it went to Mr. Mendelson. I currently don't
15 report to Mr. Mendelson.
16 Q No, no. I -- I -- I understand.
17 A Right, okay.
18 Q So let's --
19 A Yeah.
20 Q -- let's go back to --
21 A Right.
22 Q -- the last focal review that you did in
23 2017 with the team.
24 A Yes, that went to Mr. Mendelson.
25 Q Okay. And do you know what he reviewed?

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1 Q Did he --
2 A I mean, generally it's something looks
3 odd.
4 Q Can you be any more specific than that as
5 to what looked odd?
6 A What looked odd generally would be a very
7 high raise.
8 Q Okay. Any other issues as to why he
9 would bring it back to you for something looking
10 odd?
11 A I mean, generally something that looks
12 odd to him, which is generally some very high, you
13 know, compensation increase.
14 Q Did he ever come back to you at any time
15 to say that someone's compensation was too low?
16 A I don't recall him ever coming back and
17 saying that.
18 Q Okay. And again, I'm going to ask this
19 question, and I'm going to try to get an estimate
20 because I know you don't know the exact number.
21 But can you estimate how many times since
22 you've been a senior vice president and an -- or
23 strike that.
24 Let's just do executive vice president.
25 Do you remember how many times in this

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1 A I think he reviews similar things. He's
2 looking for, you know, unusual situations that
3 require some kind of -- that, you know, don't look
4 right, let's put it that way.
5 Q And he, of course, if he had some
6 questions, he would come to you if he felt something
7 didn't look right, correct?
8 A That's correct.
9 Q And do you remember the issues that he
10 brought to your attention where he felt that
11 something didn't look right?
12 MR. SHWARTS: Objection. Assumes facts.
13 You may answer.
14 THE WITNESS: I'm sorry?
15 MR. SHWARTS: I just -- certain
16 objections I have to state --
17 THE WITNESS: Yes, okay.
18 MR. SHWARTS: -- to preserve the record.
19 You may answer the question.
20 THE WITNESS: Trying to remember. Rarely
21 comes back to me.
22 BY MR. GARCIA:
23 Q But if he did, why did he bring it to
24 you? Why did he -- what issue did he raise?
25 A Because something looks odd.

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1 last focal review a couple months ago that you
2 had -- how many people that you had to send back and
3 ask questions about? Estimate.
4 A It's probably maybe a dozen out of about
5 eleven hundred.
6 Q Well, that's what I'm trying to do. I'm
7 trying to get some scale here.
8 A Yeah.
9 Q Is it a thousand? But you just told me a
10 dozen.
11 Now I'm going to put -- ask you to put on
12 your senior vice president hat for 2017, 2018. Was
13 it any different? Was it about -- I know you have
14 less people then.
15 A Right.
16 Q But in terms of the -- the number that
17 you sent back to your VPs or senior directors,
18 directors that you had issues with?
19 A Very small numbers, maybe a dozen,
20 something in that range.
21 Q That's -- I'm just trying to get a
22 perspective.
23 A Yeah, yeah.
24 Q So thank you.
25 Slightly different question but kind of

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1 the same subject. So I'm going back to 2018 now,
2 that focal review.
3 Do you know how many times that your
4 direct reports, before it even got to you, sent
5 something back down to their people because they had
6 an issue with what was done?
7 **A** No idea. That wouldn't involve me.
8 **Q** And that would be all the way down the
9 chain of command, correct?
10 **A** Right.
11 **Q** You would have no idea of a direct report
12 of your direct report, how many times they sent it
13 down?
14 **A** No, no idea.
15 **Q** Okay. So I'm going to ask the same
16 question for 2017, 2018 focal review when you were a
17 senior vice president.
18 Do you have any idea before it even got
19 to you how many times your direct reports, when it
20 got to them, sent something back down --
21 **A** No idea.
22 **Q** -- because they had a question?
23 **A** No idea.
24 **Q** And that would be the same for any -- for
25 their direct reports and their direct direct

141

1 **Q** Okay. 'Cause total -- total number that
2 you sent back was 12, right --
3 **A** Yeah.
4 **Q** -- that you estimated?
5 **A** Yes.
6 **Q** So would it be correct to say less than
7 five?
8 **A** I would say in the ballpark of five.
9 **Q** Fair enough. Fair enough.
10 **A** Something in that range.
11 **Q** I'm trying to get a feel.
12 **A** Yes.
13 **Q** Okay. Do you remember any of the
14 circumstances about why that you felt that the pay
15 was too low?
16 **A** Generally there's some people that I
17 personally work with or I personally know very well,
18 and I might look at some of those and say that
19 person seems somewhat low to me.
20 **Q** Okay.
21 **A** But only cases where I have personal
22 knowledge of the person.
23 **Q** Okay. Again, I have to ask some
24 questions. I kind of know what the answers are, but
25 I still have to ask.

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1 reports?
2 **A** Yeah, I'm not involved in that at all.
3 **Q** Okay. Again, I kind of figured as such,
4 but I just wanted to -- to ask.
5 Now I'm talking about your involvement
6 when you're EVP 2018.
7 If someone comes back and you asked a
8 question, did you ever yourself ask a question
9 about -- had an issue with someone not being paid
10 enough?
11 **A** I'm sorry, say the question again?
12 **Q** I'll start over.
13 So I'm only doing the EVP focal review of
14 a couple months ago.
15 **A** Okay. Right.
16 **Q** So did you ever send something back to
17 your direct reports having an issue with someone in
18 your organization not being compensated enough?
19 **A** Yes.
20 **Q** Okay. And you did that a couple months
21 ago, right?
22 **A** Yes.
23 **Q** How many times did -- for how many people
24 did you do that?
25 **A** Probably a few, handful.

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1 Did you -- did you send any requests
2 back -- again when you were the EP -- EVP a couple
3 months ago -- where the person's pay was below the
4 minimum of the salary range?
5 **A** No, I don't think so.
6 **Q** Did you send anything -- requests back
7 because the person's pay -- or the person had a low
8 compa-ratio?
9 **A** No.
10 **Q** I'm going to ask you to put on your
11 senior vice president hat and ask you the same
12 questions.
13 First question is, did you send any pay
14 back when you were senior vice president because you
15 believed the pay was so low, too low?
16 **A** Yes.
17 **Q** And was it for the same reason,
18 because --
19 **A** Same -- same kind of reason, yes.
20 **Q** And that is because you had personal
21 knowledge and you felt the pay should be higher,
22 correct?
23 **A** Correct.
24 **Q** And at any time when you were the senior
25 vice president, during focal reviews, did you ever

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1 send any of the pay back because the person's pay
2 was below the minimum range?
3 **A** No.
4 **Q** And when you -- any time you were senior
5 vice president during the focal reviews, did you
6 ever send the pay back because a person's
7 compa-ratio was low?
8 **A** No.
9 **Q** Do you remember at any time during the
10 focal reviews whether you ever looked at a person's
11 gender?
12 **A** I don't think it's even in there to look
13 at.
14 **Q** Even if it's not in there to look at
15 during the focal reviews that you were part of the
16 approval process on, did you ever consider a
17 person's gender?
18 **A** No.
19 **Q** During the focal reviews that you were a
20 process of -- or participated in, did you ever look
21 at a person's race?
22 **A** No.
23 **Q** Before, I asked you about the training,
24 and you told me about the training that you received
25 would be in form of e-mails and there were

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1 are going to have different eligibility
2 requirements, right, than the focal review?
3 **A** Correct.
4 **Q** I apologize for asking it while you were
5 drinking.
6 **A** Yeah.
7 **Q** And I -- I understand that bonuses will
8 have different targets, you know, that either groups
9 or lines of business have to be made -- made that
10 are not in the focal reviews.
11 So with that understanding of those
12 differences, are there any other major differences
13 between the process that you just described for the
14 focal review and the process that's done for the
15 bonuses?
16 **A** The major difference is bonus focuses on
17 accomplishments in the last -- since the last
18 period.
19 **Q** By "the last period," do you mean --
20 **A** The last bonus -- since the last
21 compensation period.
22 **Q** So you mean since -- bonuses focus on
23 accomplishments since the last focal review?
24 **A** Well, since the last bonus review, yes.
25 **Q** Well, what I'm trying to understand is,

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1 PowerPoints available that you can look at.
2 Do you know what training your managers
3 did for the focal reviews?
4 **A** It's similar. We get written guidelines
5 and --
6 **Q** Okay.
7 **A** -- they'd link to PowerPoints and all
8 these kind of things.
9 **Q** Did you do any tracking in your
10 organization about what compensation workbench
11 training your people have or what they took other
12 than, of course, they would receive an e-mail that
13 was distributed?
14 **A** No.
15 **Q** Okay. Now, before we were talking -- or
16 let me just see, make sure -- I remember my notes.
17 Okay. So before, we were talking about
18 focal reviews and what you did in focal reviews and
19 things of that nature. Now I'm going to change it
20 to the bonuses.
21 Is there any -- is there any major
22 differences from what you just told me -- or strike
23 that.
24 So I understand that bonuses are going to
25 have different budgets. I understand that bonuses

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1 is it accomplishments since the last bonus review
2 only?
3 In other words, before, you told me
4 that --
5 **A** They're generally done almost always
6 together, so there's not really a whole lot of
7 difference there.
8 **Q** Okay. Okay.
9 **A** Yeah.
10 **Q** So let me flesh that out.
11 So when was the last bonus review that
12 was done that you participated in?
13 **A** Last bonus review was around November of
14 2018.
15 **Q** Okay. So it was different, if it's
16 different in dates?
17 **A** Yes.
18 **Q** Okay. And what was the last bonus review
19 prior to that? Estimate. Estimate.
20 **A** Probably middle of 2017, somewhere in
21 that range.
22 **Q** Okay.
23 MR. GARCIA: I -- I want to go off the
24 record just to see where everybody is, if we want to
25 take a break.

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1 Do we want to take a break now?
2 THE VIDEOGRAPHER: Off the record?
3 MR. GARCIA: Yes.
4 THE VIDEOGRAPHER: Okay. This marks the
5 end of media file labeled No. 2. Off the record at
6 11:55 a.m.
7 (Off record.)
8 THE VIDEOGRAPHER: This marks the
9 beginning of media file labeled No. 3. Back on the
10 record at 11:56 a.m.
11 BY MR. GARCIA:
12 Q So you identified -- other than the
13 differences I previously identified like, you know,
14 productivity, eligibility --
15 THE VIDEOGRAPHER: Counsel, can we go off
16 real quick? Sorry.
17 MR. GARCIA: Yes.
18 (Off record.)
19 THE VIDEOGRAPHER: This marks the
20 beginning of media file labeled No. 3. Back on the
21 record at 11:57 a.m.
22 BY MR. GARCIA:
23 Q So we were talking about, you know, the
24 major differences, and I asked you if there was any
25 other major differences. And you told me the major

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1 Q -- I thank you for trying hard to give
2 that to me.
3 But the process in terms of rating and
4 ranking people and submitting recommendations and
5 whatnot is the same between the focal review and the
6 bonuses, correct?
7 A Right. In fact, there's no separate
8 rating and ranking. It's the same rating and
9 ranking that's used for both.
10 Q And then it -- you -- do -- or strike
11 that.
12 Do you do the same -- do you review for
13 the same types of things?
14 A Yes, that's correct.
15 Q -- between -- I was going to ask my
16 question -- sometimes I pause to take a breath,
17 but...
18 So it's the -- you look at the same type
19 of things when -- during your approval process for
20 both the focal reviews and the bonuses, correct?
21 A Yes, that's correct. I mean, the major
22 difference is -- is not that market comparison and
23 bonus because there's...
24 Q It's based on accomplishment?
25 A Yes, based on accomplishments. That's

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1 difference was that bonuses looked at the
2 accomplishments since the last bonus.
3 So my next question is, are there any
4 other major differences between the process that you
5 described for focal reviews and the process for
6 giving equity bonuses other than what we just
7 identified?
8 A Bonuses tend to be given to a smaller
9 percentage of the organization.
10 Q Okay. So do they send you e-mails out
11 too telling you percentages?
12 A Yes.
13 Q And before we identified that for focal
14 reviews it was like -- you know, could be up to 80
15 or 90, didn't have to do it but could be.
16 What is usually the percentages for
17 bonuses? Again ballpark.
18 A Maybe 50, 60.
19 Q Okay. And has it consistently been 50 or
20 60, or is there has been years where it was lower
21 than that?
22 A I couldn't tell you if it's been lower.
23 It might have been. I've been there a long time.
24 Q All I want is what you know. And --
25 A Right.

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1 right.
2 Q Understand.
3 Got one more phase to go here.
4 A Okay.
5 Q Switching gears to equity or stock.
6 Understand that you're dealing with
7 different currency, per se: One's dollars; one's,
8 you know, restricted documents and stock.
9 What is actually decided during the
10 equity or stock? Is it restricted stock units? Is
11 it more than that? What do you -- what are you
12 deciding to give?
13 A Okay. In the time frame you were talking
14 about, there was a choice that -- employee could --
15 we would give a certain stock or restricted and --
16 or, I'm sorry, stock options or restricted stock.
17 The employee would choose which ones they want, but
18 the -- the amount is the same.
19 Q Gotcha.
20 And has that been in the -- for the last
21 couple focal reviews of -- that you identified in
22 November of 2018 and what happened in 2016, 2017?
23 A Yeah. Until -- until the most recent
24 one. Now we're doing RSUs only.
25 Q Okay. Someone like me who is just a

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1 naive person when it comes to stock, what's the
2 difference between stock options and restricted
3 stock units?
4 **A** Okay. Stock options generally has a
5 minimum price which is the current market price, and
6 they're only worth any money if the stock goes
7 higher than that. So if the stock price is
8 currently \$50, and when that stock option vests, if
9 it's below \$50, it's worth zero dollars; if it's
10 above \$50, then the difference is what determines
11 the stock option value.
12 **Q** Understand.
13 And restricted stock units?
14 **A** "Restricted stock" means you will get
15 the -- that many stocks, that many shares of stock,
16 and that's worth whatever the stock is worth at that
17 time.
18 **Q** Understand. Thank you for explaining it.
19 And would there be e-mails with
20 percentage of people who can get stock?
21 **A** Yes.
22 **Q** And can you estimate what those
23 percentages were?
24 **A** Again, probably in the 50, 60 percent
25 range.

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1 gotten the dates accurate for the last equity
2 review, so let me just start over.
3 When was the last equity review that you
4 had been a part of? What year?
5 **A** The last one was the May 2019. The
6 previous one, which is the one I misstated, was --
7 was summer of 2018.
8 **Q** And --
9 **A** I think I might have said '17.
10 **Q** That's fine. And I -- I thank you for
11 making sure we have an accurate record.
12 Do you happen to remember the one before
13 that?
14 **A** I think it was probably summer 2000 --
15 what are we at -- '17.
16 **Q** Okay.
17 THE REPORTER: You said summer or
18 December?
19 THE WITNESS: Or mid. Mid. Mid. Let's
20 just call it mid.
21 BY MR. GARCIA:
22 **Q** So middle of the year in 2017?
23 **A** Correct.
24 **Q** Okay. So the reason why I took a break
25 when I did is because we're moving on to another

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1 **Q** And when was the last time that Oracle
2 did stock?
3 **A** In May period was when we -- when we did
4 the process, yes.
5 **Q** So you did focal review -- focal process
6 and stock at the same time?
7 **A** That's correct.
8 **Q** When was the time prior to that? When
9 did you do it?
10 **A** Time prior to that was probably mid --
11 what are we at, 2018 -- 2017.
12 **Q** Okay.
13 **A** 2017.
14 MR. GARCIA: I'm at a place we can take a
15 break and go to lunch and go off the record.
16 MR. SHWARTS: Thanks.
17 THE VIDEOGRAPHER: This marks the end of
18 media file labeled No. 3. Off the record at
19 12:02 p.m.
20 (Lunch recess.)
21 THE VIDEOGRAPHER: This marks the
22 beginning of media file labeled No. 4. Back on the
23 record at 12:55 p.m.
24 BY MR. GARCIA:
25 **Q** Mr. Loaiza, you said that we may not have

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1 subject here. Isn't this exciting --
2 **A** Yes.
3 **Q** -- new things?
4 **A** Yay.
5 **Q** Okay. So does Oracle have a policy about
6 employees sharing their compensation information?
7 MR. SHWARTS: Objection. Overbroad.
8 You may answer.
9 BY MR. GARCIA:
10 **Q** Do you know?
11 **A** I don't know, to tell you the truth.
12 I've never seen an official policy on sharing
13 information.
14 **Q** Do you have any policy or a preference
15 about employees sharing compensation information?
16 **A** We -- we've never --
17 MR. SHWARTS: Objection. Compound.
18 You may answer.
19 THE WITNESS: Yeah. We've never put out
20 any official policy on that.
21 BY MR. GARCIA:
22 **Q** Okay. Have you put out an informal
23 policy on that?
24 **A** I don't think we've ever spoken about
25 that.

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1 Q Okay. Do you know whether employees at
2 Oracle in your organization -- now it's a big
3 organization because you're an EVP now -- whether
4 they share compensation information?
5 A I'm sure there's people that do.
6 Q Do you have any personal knowledge --
7 A No.
8 Q -- of them doing that?
9 A No.
10 Q Do you have any personal knowledge of any
11 of the managers in your organization attempting to
12 restrict people's ability to share their
13 compensation information?
14 A Okay. So there is one thing that we
15 restrict because a manager cannot talk to someone
16 else about their employees' compensation.
17 Q Okay.
18 A Share someone else's compensation
19 information.
20 Q Okay. What about employees who are not
21 managers, is anything -- do you know of anything
22 within your organization that's ever been said to
23 them regarding not talking to their peers about
24 their compensation?
25 A Yeah, we don't -- that's not part of our

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1 Q Okay. Do you know of any situation in
2 your organization where the subordinates of a
3 manager actually make a higher salary than the
4 manager?
5 A That's -- I think that -- that has
6 happened, yes. Yeah, there's -- there's -- there's
7 cases where that does happen, yes.
8 Q Does that -- can you -- does that
9 frequently happen?
10 A It's infrequent because the manager tends
11 to be more senior than the employee, but not
12 always --
13 (Simultaneously cross-talking.)
14 Q How many times -- I'm sorry.
15 How many times, to your knowledge, has
16 this happened?
17 A I can't give it a number. But yeah, it
18 definitely happens. Definitely happens.
19 Q So I'm going to ask you to estimate. Is
20 it more than ten times, to your knowledge, in your
21 organization?
22 MR. SHWARTS: Ever? Over the course of
23 ever?
24 MR. GARCIA: Yeah.
25 THE WITNESS: I'm just going to --

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1 policy, so we don't really generally speak about
2 things like that.
3 Q Right.
4 Let me ask the same question different
5 ways.
6 A Uh-huh.
7 Q So do you know whether any manager has
8 told any one of that manager's subordinates not to
9 discuss their pay raise because other people didn't
10 get salary increases?
11 A I don't know that that has happened.
12 Q Okay. I'm only going to what you know.
13 A Right, right.
14 Q I will ask you different things to see if
15 I can --
16 A Right.
17 Q -- you know, maybe refresh your -- your
18 memory.
19 Do you know of anyone in your
20 organization telling people that no one got a pay
21 raise when someone in fact did in their
22 organization?
23 A No, I -- I wouldn't. That would be kind
24 of a misstatement which we would discourage -- or an
25 intentional misstatement that we would discourage.

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1 MR. SHWARTS: Objection.
2 THE WITNESS: It probably is more than
3 ten times.
4 BY MR. GARCIA:
5 Q Okay. So let's confine it to the period
6 of January 2013 to Jan- -- or I'm going to say now
7 since you just had a focal review.
8 How many times can you estimate that it
9 happened?
10 A I would say it's a small percent.
11 Q Can you --
12 A Yeah.
13 Q -- give me anything more, like 5 percent?
14 10 percent? 1 percent?
15 A Under 10 percent.
16 Q Okay. More than 5 percent?
17 A Maybe, maybe not.
18 Q We'll just leave it with under
19 10 percent.
20 A Okay.
21 Q Very good.
22 Related question to what I was saying.
23 Now, a manager at Oracle can see all the
24 pay information of everyone below that manager,
25 right?

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1 **A** Correct.
2 **Q** And that would include -- or strike that.
3 But a manager at Oracle would not be able
4 to see the pay information of any of their peers,
5 correct?
6 **A** Correct.
7 **Q** Or any of the direct report of their
8 peers, correct?
9 **A** Okay. You're talking about Oracle?
10 **Q** Talking -- okay.
11 So I'm talking about Manager A --
12 **A** Yes.
13 **Q** -- has -- has direct reports of B and C.
14 **A** Right.
15 **Q** And Manager D has direct reports --
16 **A** Yeah.
17 **Q** -- of E and F.
18 **A** Right.
19 **Q** Manager A cannot see the pay of E and F,
20 right?
21 **A** Okay. So what I would say, to be
22 precise, is within our development organization,
23 that's true. It may be possible that a human
24 resource person might be able to see salaries that
25 are not for a person that directly reports to them

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1 **Q** Have you --
2 **A** I have not been in a group where people
3 have personally done that, but what people do when
4 I'm not there, I really have no idea.
5 **Q** Perfectly understand.
6 And I'm not talking about you talking
7 about the pay of your direct reports to your direct
8 reports or you talking about the pay of someone in
9 your organization because of your -- of your EVP or
10 senior vice president status.
11 I'm just talking about just in
12 conversation if you have ever heard anybody,
13 regardless if you were in the situation or not, in
14 the last six years talk about their pay?
15 **A** I'm sorry, their pay?
16 **Q** Yeah, discuss -- discussing their pay,
17 like --
18 **A** Oh, with other people.
19 **Q** With -- with other people, whether that
20 was you or someone else.
21 **A** That -- you're saying someone not -- that
22 doesn't report to me.
23 **Q** I'm -- I'm saying that doesn't involve --
24 okay, let me start over.
25 **A** Yeah.

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1 in human resources.
2 **Q** Thank -- thank you for that
3 clarification.
4 **A** Yeah.
5 **Q** So a manager cannot see any pay of anyone
6 who is not -- in a product development
7 organization --
8 **A** Yes.
9 **Q** -- cannot see the pay of anyone who is
10 not in their direct reports or lower?
11 **A** That's correct.
12 **Q** Okay. Thank you for the clarification.
13 So before, I was asking you about did you
14 hear about people giving directions to pay or not
15 pay and whether it was a policy.
16 Now I'm going to change it slightly as --
17 I'll let you take a drink of water.
18 Do you know whether people at Oracle
19 openly discuss their compensation, to your
20 knowledge?
21 MR. SHWARTS: Objection. Overbroad.
22 You may answer.
23 THE WITNESS: I have not personally done
24 that.
25 BY MR. GARCIA:

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1 **Q** It doesn't involve you as a supervisor
2 because of a supervisor doing it.
3 **A** Right.
4 **Q** But it could be, let's say, an M1 in a
5 meeting that you're in an M1 that you're not
6 involved in a supervisor relationship with that
7 person and you hear one of your M1 managers talking
8 to another M1 manager about your pay. So that's
9 what I'm --
10 **A** Their pay, right. About their pay,
11 right?
12 Yeah, no, I've not heard that.
13 **Q** Okay. Thank you.
14 I apologize if I've asked you this
15 before.
16 Do you know what a salary range is at --
17 at Oracle?
18 **A** Yes.
19 **Q** What is a salary range?
20 **A** Salary range is a guidance based on a
21 specific title within a specific organization.
22 **Q** Now, I believe earlier you said that when
23 we were looking at Exhibit 79 and we were looking at
24 the codes, you identified a job code.
25 Do you remember that?

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1 **A** Yes. Yes, that's correct.
2 **Q** Okay. So does a job code have a
3 specific -- do you know if -- whether a job code has
4 a specific salary grade assigned to it?
5 **A** I don't think it's a job code by itself.
6 **Q** Okay.
7 **A** There might be other factors that -- that
8 come into it like location, you know, organization,
9 all sorts of other stuff.
10 **Q** So I'm only talking about Redwood Shores,
11 sir, okay? So I'm not talking about other parts of
12 the country or even other parts of the state. All
13 my questions are Redwood Shores.
14 So would a job code at Redwood Shores
15 have a particular salary grade associated with it?
16 **MR. SHWARTS:** Objection. Overbroad.
17 You may answer.
18 **THE WITNESS:** Okay. Again, the -- it's
19 not a job code by itself. It's also a job code plus
20 an organization plus other factors.
21 **BY MR. GARCIA:**
22 **Q** Okay. So I'm going to tell you my
23 understanding and see if you...
24 **A** Uh-huh.
25 **Q** To me, Oracle has a global job table.

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1 unique salary -- at any one point in time because it
2 could change over the years -- but for each job
3 code, that there's a unique salary range for that
4 job code?
5 Do you know whether that's true?
6 **A** I don't believe that's true. I think
7 there's more factors than just the job code.
8 **Q** I'm going to ask you a related question.
9 I may have misspoken, so I'm just going to make sure
10 that I didn't.
11 Do you know whether a job code is the
12 unique number assigned to the intersection of four
13 things: Job function, job specialty, job title, and
14 global career level?
15 **MR. SHWARTS:** Objection. Asked and
16 answered.
17 You can answer again.
18 **THE WITNESS:** Okay. No, I don't think it
19 is.
20 **BY MR. GARCIA:**
21 **Q** Okay. I'm sorry, I didn't know if I
22 included global career level. Thank you.
23 So I'm going to show you another
24 document. It's been previously marked as Exhibit
25 No. 7 in Kate Waggoner's deposition.

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1 Do you know that?
2 **A** No, I don't know that.
3 **Q** Okay.
4 **MR. SHWARTS:** Whatever his understanding
5 is -- no.
6 (Simultaneous cross-talking.)
7 **BY MR. GARCIA:**
8 **Q** I'm just asking you if you know about
9 that.
10 **A** Okay.
11 **MR. SHWARTS:** That, he can ask you.
12 **BY MR. GARCIA:**
13 **Q** So do you know whether Oracle has a
14 global job table?
15 **A** I don't know.
16 **Q** And do you know if a -- if a job code is
17 the unique intersection of a job function, a job
18 specialty, a job title and a global career level?
19 **A** No, it's not.
20 **Q** Why do you say, "No, it's not"?
21 **A** Because a job code is broader. It
22 doesn't include all those things that you mentioned.
23 It's not the intersection of all those things you
24 mentioned.
25 **Q** Okay. Do you know whether there is a

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1 Have you ever seen this document before?
2 (Exhibit 7 previously marked for identification.)
3 **MR. SHWARTS:** Take your time to take a
4 look at it.
5 **THE WITNESS:** Okay.
6 I do not believe I've seen this one.
7 **BY MR. GARCIA:**
8 **Q** Okay. I'm going to ask you to turn to
9 Page 5. And the document is Exhibit 7, has Bates
10 stamp Nos. 56234 and then dashes for --
11 **A** These pages are not numbered. Oh, is it
12 that thing in the bottom?
13 **Q** The thing in the bottom.
14 **A** Okay.
15 **Q** So I'm going to see if this slide
16 refreshes your memory. The slide is -- is called
17 Global Job Table, and it has five parts. It has a
18 unique number called a job code. It has a systems
19 job title. Has a -- a function to which it lists
20 job functions like product development. It has
21 specialty, to which it lists software engineering.
22 And then it has global career level.
23 Does this slide refresh your memory about
24 what are the -- the four unique elements that go
25 into a job code?

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1 MR. SHWARTS: Objection. His memory does
2 not need to be refreshed, Mr. Garcia. He testified
3 that -- that those four things that you listed did
4 not go into the job code --
5 MR. GARCIA: Okay.
6 MR. SHWARTS: -- did not say he didn't
7 know or couldn't remember.
8 MR. GARCIA: Okay.
9 MR. SHWARTS: Your question is improper.
10 MR. GARCIA: I -- I will rephrase my
11 question.
12 BY MR. GARCIA:
13 Q Do you know what things go into the job
14 code in creating the job code?
15 A I don't really know the details of what
16 creates a job code.
17 Q Okay. Does this slide change your
18 testimony about what things go into a job code?
19 A Not really, no. I would say no.
20 Q Very good. I'm just asking you what you
21 know.
22 A Right.
23 Q I can try to refresh your memory or see
24 if your testimony changes.
25 I'm going to ask you to go to Slide 9 --

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1 A Yeah, we generally use the discretionary
2 title. The job title is not something we use.
3 Q Okay. And are the responsibilities for
4 the different individual contributor levels, is that
5 accurate, to your knowledge?
6 A This is not necessarily accurate. It's
7 just a general broad outline.
8 Q Okay. But is the broad outline accurate?
9 MR. SHWARTS: Objection. Overbroad.
10 Vague.
11 You may answer.
12 THE WITNESS: Okay. So I think there's
13 plenty of people this doesn't -- it's not accurate
14 for.
15 BY MR. GARCIA:
16 Q Okay.
17 A But there's plenty of people it is
18 accurate for.
19 Q Okay. Fair enough. Fair enough.
20 Is there any particular individual
21 contributor level from one through six that you feel
22 is not accurate for some of the people?
23 MR. SHWARTS: Objection. Compound
24 overbroad.
25 You may answer.

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1 not Slide 9, Page 9 of Exhibit 7. There's a table
2 on that page that talks about Global Career Level,
3 specifically individual career levels.
4 Do you -- are you familiar with the
5 information on that page?
6 A Yes.
7 Q Okay. So what -- what does this page
8 portray?
9 A I guess a career level, is what it says.
10 Different career levels, one through six.
11 Q So does Oracle have six individual
12 contributor global career levels?
13 A I don't know about Oracle. Within
14 development -- within staff -- within my org, I
15 think that's roughly correct --
16 Q Okay.
17 A -- individual contributor --
18 Q Okay.
19 A -- individual engineering contributor,
20 let me put it that way.
21 Q Okay. And do those -- those people and
22 those individual career levels of engineer, do they
23 have those titles of -- could they have the titles
24 of Software Developer 1 to 6 to correspond with the
25 IC levels at Bates-stamped ORACLE_HQCA_56234-9?

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1 THE WITNESS: I'm sorry, repeat the
2 question again?
3 BY MR. GARCIA:
4 Q Okay. So you said --
5 A Yeah.
6 Q -- the responsibilities may be accurate
7 for some but not for others.
8 A Uh-huh.
9 Q What I'm trying to determine is, does
10 that pertain to all of the responsibilities for all
11 of the individual contributor levels listed or is it
12 maybe a couple of them?
13 A I think all of them.
14 Q Okay. That's what I'm trying to
15 determine.
16 A Yes.
17 Q Let's go to the next page.
18 Do you recognize Page 10 of Exhibit 7?
19 A M1 --
20 MR. SHWARTS: His question is do you
21 recognize the --
22 THE WITNESS: The table or the contents?
23 BY MR. GARCIA:
24 Q The contents of the table.
25 A I've never seen this particular content.

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1 Q Okay. So are you familiar with the
2 general contents of the table?
3 A Roughly. Although, the responsibilities
4 that it lists on here is not the list that we use.
5 Q Understand. Let me just break it up into
6 pieces.
7 A Yeah.
8 Q Now, Oracle has two global career level
9 paths, right? It has an individual contributor path
10 and a management path, correct?
11 MR. SHWARTS: Objection. Overbroad.
12 You may answer.
13 THE WITNESS: Yeah. I think within --
14 again, within our development organization, this
15 applies to most of the people. I mean, there are
16 other people that are not either technical or
17 manager it doesn't apply to that -- are in our
18 organization as well.
19 BY MR. GARCIA:
20 Q Would they have a global career level
21 that is something other than an -- an M for a
22 manager or an IC as an individual contributor?
23 A Yeah. So individual contributor is
24 individual technical contributor. So there might be
25 someone, let's say, as a simple example, someone

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1 don't put software. We say manager, senior manager,
2 director.
3 Q Okay. And you already said that the
4 res- -- you don't believe the responsibilities are
5 correct?
6 A I said they're not always correct.
7 Q They are not always correct.
8 A Right.
9 Q Okay. Thank you for the clarification.
10 Okay. Why don't you turn to Page 27 of
11 Exhibit 7.
12 So have you ever seen that page before?
13 A This particular page?
14 Q Yeah.
15 A I don't believe so.
16 Q Have you ever seen any facsimile or
17 similar page to it before?
18 A Probably something similar.
19 Q Okay.
20 A Yeah.
21 Q Does this page change your testimony
22 about whether a job code has a unique salary range
23 or salary grade associated with it?
24 A My testimony? I don't think it changes
25 my testimony, but...

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1 who's an administrative assistant that wouldn't
2 probably have one of these because they are not a --
3 they're not a developer or engineer.
4 Q Okay. Thank you.
5 So now I'm just going to focus on the
6 managers.
7 Okay. So in your product -- or in your
8 organization today, counting you, you have
9 management levels one through eight, correct?
10 A To eight, eight is senior. I don't
11 normally go by numbers. What does it say? Nine
12 would be executive VP. It looks like this, so I
13 would say one through nine would be the correct
14 statement there --
15 Q Okay.
16 A -- counting me.
17 Q And -- and not counting president or
18 above, would the titles listed in page -- of
19 Exhibit 7, Page 10, are those titles in your
20 organization? Discretionary titles and --
21 A You're talking about the job title or
22 discretionary title?
23 Q I'm first going to talk about the
24 discretionary title.
25 A Okay. Yeah, they're roughly correct. We

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1 Q I was just trying to see if this
2 refreshes your memory in some way, changes your
3 testimony. If it doesn't --
4 A Yeah.
5 Q -- it doesn't. I'm just trying to see.
6 A Yeah. What I would see is this mapping
7 is not something we look at that's -- in general,
8 job codes is not something we spend a lot of time
9 on.
10 Q Understand.
11 A So, you know, how they're determined,
12 what they -- whatever, is not something we spend a
13 lot of time on.
14 Q Very good.
15 MR. SHWARTS: Put that aside.
16 THE WITNESS: Done with this document?
17 MR. GARCIA: Uh-huh. We may come back to
18 it.
19 BY MR. GARCIA:
20 Q Now, before we talked about in terms of
21 training, you know, whether you looked -- you know,
22 you looked at e-mails and PowerPoints.
23 Do you know if there's any videos
24 regarding compensation training?
25 MR. SHWARTS: Objection to the form. The

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1 e-mails and stuff he talked about was with respect
2 to the focal process.
3 MR. GARCIA: Yeah.
4 MR. SHWARTS: So it's an overbroad
5 question.
6 MR. GARCIA: Okay. So let me start over.
7 BY MR. GARCIA:
8 Q I'm now returning to the focal process.
9 And before we talked about e-mails that were part of
10 the -- the training or the information you were
11 provided as well as documents such as PowerPoints,
12 correct?
13 A Correct.
14 Q So what I'm now asking you is, do you
15 know -- or strike that.
16 Did you see any videos related to the
17 compensation process?
18 A I believe there's video training in
19 addition to those other kind of trainings, so...
20 Q Okay.
21 MR. GARCIA: Court Reporter, can you
22 please mark the next document as Exhibit 84?
23 THE REPORTER: Sure.
24 (Exhibit 84 marked for identification.)
25 THE REPORTER: Exhibit 84.

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1 Q Okay. Very good.
2 So the next four pages of Exhibit 84 is I
3 took snippets, or screenshots, at different ranges.
4 MR. SHWARTS: Well, I'm going to object.
5 He's representing to you that's what it is, so...
6 MR. GARCIA: Actually, Counsel, I'm going
7 to have to replace this because at least this copy
8 is not what I intended.
9 Can I see the copy that you have? So I'm
10 going to have to replace this exhibit.
11 MR. SHWARTS: That's fine. You want the
12 whole thing back?
13 MR. GARCIA: Yeah.
14 MR. SHWARTS: Sure.
15 MR. GARCIA: I will --
16 SPEAKER4: Less paper for me.
17 MR. GARCIA: I apologize. I will have to
18 get another copy of that. Oh, I see what -- I
19 apologize. I know what happened. It only printed
20 on one side.
21 Would you do me a favor and copy that one
22 which has it on both sides?
23 MS. COCKETT: Okay.
24 MR. GARCIA: We'll come back to that. I
25 apologize to everyone.

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1 BY MR. GARCIA:
2 Q So Exhibit 84 is snippets, screenshots,
3 if you will, from a video. And -- and the purpose
4 of me showing you when I ask questions later on is
5 to go over the different fields that are available
6 in the compensation workbench.
7 So the very first page of Exhibit 84,
8 which is a native file at Bates-stamped No. 417060,
9 is a snippet at the one second mark. And you can
10 see that if you look closely in the lower left-hand
11 corner of the slides.
12 Can you turn your attention back to the
13 first page?
14 A Which is the first page you're talking
15 about? This one?
16 Q Yes.
17 A Oh, okay. Okay.
18 Q So this shows you what you would have
19 seen once you started the video. It's at the
20 first -- the one second mark.
21 A Uh-huh.
22 Q Do you recall seeing -- or did you see a
23 video that had what's depicted at the one second
24 mark of the video?
25 A Yeah, I don't recall seeing a video.

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1 So the next document is Exhibit No. 3,
2 and this is from also Kate Waggonner's deposition.
3 Have you seen the document Exhibit No. 3
4 before?
5 (Exhibit 3 previously marked for identification.)
6 A I don't believe I have.
7 Q Have you seen any facsimile of that
8 document, Exhibit No. 3, before?
9 A I've seen similar things.
10 Q Okay. But you don't recall this document
11 specifically?
12 A No, I don't recall this document.
13 Q So I'm going to ask you to turn to Page 6
14 of Exhibit 3. And it's double-sided too.
15 A Oh, okay. That's why I'm not finding
16 Page 6.
17 Q We're trying to save trees as much as
18 possible.
19 So on that slide, it's titled "Oracle's
20 Compensation Philosophies and Objectives," correct?
21 A Correct.
22 Q Have you ever seen a page similar to
23 Page 6 of Exhibit 3 before where Oracle sets out its
24 compensation philosophy and objection -- objectives?
25 A Probably yes. Yes.

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1 Q Okay. There's one particular objective
2 I'm interested in, and it's -- where it says
3 "legally compliant."
4 Do you see that?
5 A Yes.
6 Q Do you know what that means, "legally
7 compliant," in this slide?
8 A I assume that would mean not illegal.
9 Q I don't want you to assume.
10 A Yeah. What makes Oracle legally
11 compliant is not my area of specialty, so I wouldn't
12 know what that really means.
13 Q Okay. Have you received any training
14 regarding Oracle's compensation about being legally
15 compliant?
16 A I received training on compensation that
17 includes some information on it.
18 Q Do you know if any of that training
19 included information about being legally compliant?
20 A Not sure exactly what you mean by that,
21 but it lays out things like no discrimination and...
22 Q Okay.
23 A Yeah.
24 Q And no discrimination in what sense?
25 A In the sense of the legal discrimination,

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1 I'm trying to find out if you received
2 any other training to be legal -- regarding
3 compensation systems regarding being legally
4 compliant.
5 MR. SHWARTS: If you recall.
6 THE WITNESS: I think -- it was -- I
7 don't believe it was specifically. It was included
8 as part of the larger compensation training.
9 BY MR. GARCIA:
10 Q Okay. And so what I'm trying to
11 understand --
12 A Yeah.
13 Q -- is, what information were you provided
14 as part of that training to be legally compliant?
15 A Yeah, so the things I recall from the top
16 of my head were some of the things that I mentioned
17 to you.
18 Q Okay. And I'm trying to see if there is
19 anything else that you can recall.
20 A At this moment I'm not remembering legal
21 aspects of it, but there might be.
22 Q Okay.
23 A Right.
24 Q Yeah. Now, have -- during part of this
25 training, were you told of any specifically law --

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1 which I don't recall all the cases, but sex, race,
2 nation of origin, similar things.
3 Q So it -- it's like you shouldn't
4 discriminate against a person based on race, sex,
5 national origin, ethnicity, sexual preference,
6 something like that?
7 A Correct, yes.
8 Q So those are title -- those come from
9 Title VII.
10 Do you know of any other way that you
11 should not discriminate against someone in terms of
12 when Oracle is doing compensation?
13 MR. SHWARTS: Objection to the extent it
14 calls for a legal conclusion.
15 You may answer.
16 BY MR. GARCIA:
17 Q I'm just asking what your knowledge is.
18 A You talking about legally, legally
19 discriminate?
20 Q I -- I'm talking about when it says
21 "legally compliant" --
22 A Yes.
23 Q -- and have you received training on what
24 to be "legally compliant" means. And you've told me
25 some.

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1 any specific laws that Oracle had to be legally
2 compliant with compensation?
3 A I don't recall the specific laws being
4 cited, but --
5 Q Do you --
6 A -- it's not something that I would -- I
7 don't know which laws are what, so it's not
8 something I would remember necessarily anyways.
9 Q So when you say I don't recall specific
10 laws being cited, I don't know if that means you
11 knew some were cited but you don't recall them or
12 there was none cited.
13 So did they give examples of laws during
14 this training and you just don't recall them, or did
15 they not speak about them?
16 A I can't say either way. You know, we
17 were told don't discriminate. Does it say because
18 of law 14567, I don't remember because that 14567 is
19 not something that kind of sticks in my brain
20 because it's not my area of expertise.
21 Q Right.
22 What I'm trying to determine is how you
23 know in what ways that you were not supposed to
24 discriminate against.
25 Were they -- did they tell you that?

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1 **A** Did they tell you -- I'm sorry, that?
2 The ways?
3 **Q** So did they --
4 **A** To list out things like nation -- like
5 race, national origin, et cetera.
6 **Q** And to -- to discuss the ways in which
7 you were not supposed to discriminate, to discuss
8 how you can discriminate and, thus, don't do that?
9 **A** In terms of compensation, the
10 compensation training?
11 **Q** Yes.
12 **A** I don't really recall.
13 **Q** Now, this thing about discrimination,
14 was -- okay, strike that.
15 Do you on a reoccurring basis take
16 various trainings at Oracle?
17 **A** Yes.
18 **Q** And is one of them equal opportunity --
19 or equal -- let me strike that.
20 Is some of that training based upon like
21 equal opportunity like EEOC in terms of training
22 that you're not supposed to be discriminating
23 against people, you're not supposed to sexual harass
24 people?
25 **A** Yes.

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1 **A** Discrimination in terms of compensation.
2 I'm not sure I remember other things beyond that.
3 **Q** Okay. So earlier you testified that any
4 time that you have done focal reviews, the
5 information pertaining to a person's gender and race
6 was not included as part of the compensation
7 workbench.
8 Remember that?
9 **A** Yes.
10 **Q** Okay. So given that -- or strike that.
11 Do you know the race of everyone in your
12 organization as you sit here today?
13 **A** Absolutely not.
14 **Q** Again, I have to ask some questions that
15 we all know what the answer is.
16 So given that a person's race and gender
17 are not part of compensation workbench, how does a
18 person know whether they're discriminating based on
19 compensation in terms of race or gender?
20 **A** I think if it was part of the workbench,
21 if you knew, you -- you'd probably be a lot more
22 likely to discriminate than some field that isn't on
23 there.
24 **Q** Okay. Very good.
25 Not saying I agree with you --

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1 **Q** Okay. Is that the training you were
2 referring to when you were previously discussing
3 training?
4 **A** Well, there's many different parts of
5 training. You were asking about the compensation
6 training specifically.
7 **Q** Right.
8 **A** Right?
9 **Q** So what I'm trying to determine is, when
10 you told me that you were taught not to
11 discriminate, was that training not to discriminate
12 based on race and sex and ethnicity, national
13 origin, was that training part of the training that
14 you also received sexual harassment or was it
15 training that you specifically received with regard
16 to compensation?
17 MR. SHWARTS: Or both.
18 THE WITNESS: I believe it was both.
19 MR. GARCIA: Okay. Thank you, Counsel.
20 THE WITNESS: Yeah.
21 BY MR. GARCIA:
22 **Q** Okay. Now, can you remember anything
23 else during your training regarding compensation
24 about discrimination, other than what you have
25 testified here today?

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1 **A** Yeah.
2 **Q** -- but I understand what you're saying.
3 Now, the training that you said that you
4 received as part of the compensation system, in what
5 form was that training in? Was it in the e-mails?
6 The PowerPoints? The videos? What?
7 **A** Yeah, I think all of the above.
8 **Q** So there was training in the e-mails?
9 What did the e-mails say about discrimination?
10 **A** I can't tell you which -- where the --
11 whether it was in e-mails and PowerPoint and videos.
12 **Q** Okay.
13 **A** Some were in there.
14 **Q** Okay. So you know it was in one of those
15 three, but you don't --
16 **A** Yeah.
17 **Q** -- remember specifically which one,
18 correct?
19 **A** Correct. Yeah.
20 **Q** Okay. In -- in this training that you
21 received, did anyone tell you what specific actions
22 that had to be taken to ensure that discrimination
23 was not occurring based on gender?
24 **A** I don't recall -- I don't recall whether
25 we listed specific actions to -- using to do or to

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1 not do?
2 Q Both.
3 A In the compensation training, I don't
4 recall that -- in any specific actions. There might
5 have been.
6 Q I understand.
7 A I don't recall it. Right.
8 Q Do you -- do you recall any specific --
9 in your compensation training again, do you recall
10 any specific actions you were told to do to prevent
11 gender discrimination?
12 A No, I don't recall specific actions other
13 than it should not be done.
14 Q I understand.
15 Same question for race. You know, any
16 time that you did focal reviews in the last six
17 years, do you recall any training that you received
18 that identified specific actions you should do to
19 prevent race discrimination?
20 A No, just that it should not be done.
21 Q Change questions slightly.
22 Do you recall any actions that you were
23 instructed to do to make sure during the
24 compensation process that Oracle was legally
25 compliant?

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1 ensure that Oracle was legally compliant?
2 MR. SHWARTS: Aside from not
3 discriminating as he testified to?
4 THE WITNESS: Yeah, right, aside from not
5 discriminating, I have not seen -- action we would
6 take is we would stop discrimination if we saw it.
7 And we've never seen it, so I wouldn't -- I
8 haven't -- I didn't see anyone have to stop
9 anything.
10 BY MR. GARCIA:
11 Q Are you aware of any actions being taken
12 within your organization in the last six years to
13 stop Oracle from discriminating?
14 MR. SHWARTS: Objection.
15 THE WITNESS: Well, the actions --
16 MR. SHWARTS: Assumes facts.
17 You may answer.
18 THE WITNESS: The actions would be, you
19 know, training on stopping the discrimination.
20 That's the actions that we take.
21 BY MR. GARCIA:
22 Q Okay. Besides the training, are you
23 aware of any actions that Oracle -- that managers
24 within your organization took to stop any form of
25 compen- -- or of any form of discrimination related

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1 A Oracle was legally compliant. During the
2 compensation process?
3 Q Yeah, for -- regarding compensation.
4 A Yeah, I think primarily it was actions
5 that you were not to do.
6 Q Okay. Did you take any actions to
7 ensure -- again talking about the focal reviews
8 during the compensation process. So with that as a
9 background, I'll ask -- start the question again.
10 Did you personally take any actions to
11 make sure that Oracle was legally compliant during
12 the focal process?
13 A During the focal process, we pass through
14 the -- the instructions and the training information
15 to our managers.
16 Q Okay. Other than providing them the
17 training information, did you take any other actions
18 to ensure that Oracle was legally compliant during
19 the focal process?
20 A I don't believe that we would -- that
21 I -- I don't believe I personally took any action
22 because I didn't see any issues.
23 Q Okay. Are you aware of any managers
24 within your organization during any focal processes
25 within the last six years taking any actions to

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1 to compensation?
2 MR. SHWARTS: Objection. Assumes facts.
3 Lack of foundation.
4 You may answer.
5 THE WITNESS: So if we saw a -- an
6 incident, we would take action. But we've not seen
7 any incident.
8 BY MR. GARCIA:
9 Q Okay.
10 A So we just train to tell people you
11 shouldn't -- you shall not do this. It's not
12 allowed.
13 Q So as -- what I'm understanding you to
14 say is you're not aware of any discrimination
15 occurring within your organization relating to
16 compensation in the last six years.
17 Is that a correct understanding?
18 A Yes, that's correct.
19 Q And if you had saw compensation
20 occurring, discriminate -- strike that.
21 If you saw discrimination occurring,
22 compensation, you would have taken action, correct?
23 A Yes, that's correct.
24 Q Okay. Slight twist on what I've asked
25 you before, so I thank you for your patience.

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1 Other than providing managers training,
2 did you specifically give any instructions to your
3 managers to make sure they were legally compliant
4 with compensation?
5 **A** Not -- I don't give legal advice to -- to
6 my managers.
7 **Q** I'm not talking about legal advice.
8 **A** Legal, yeah.
9 **Q** I'm asking is, if it went down your chain
10 of command --
11 **A** Uh-huh.
12 **Q** -- ensure you guys are legally compliant
13 when you're doing the compensation system, did
14 anything like that happen?
15 **MR. SHWARTS:** Aside from training and --
16 **MR. GARCIA:** Yeah.
17 **MR. SHWARTS:** -- the e-mails.
18 **THE WITNESS:** The training and all that
19 is what I do.
20 **BY MR. GARCIA:**
21 **Q** Okay. Again, slight variations of the
22 question.
23 Did you review anything within your
24 organization during the last six years for the focal
25 process to ensure that Oracle was being legally

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1 that.
2 **Q** Okay. That's all I'm trying to
3 determine. Thank you.
4 Slight variation on that question, do you
5 know if any manager within your organization has
6 reviewed anything during the focal reviews for the
7 last year to ensure that Oracle, for that
8 organization, your organization was being legally
9 compliant?
10 **A** With respect to that, that -- no, we
11 don't -- we don't review that. That would be the
12 role of HR and legal.
13 **Q** Right. Just want to -- first -- previous
14 question was you. The other question was your whole
15 organization.
16 **A** Right.
17 **MR. GARCIA:** So we have a break, and
18 we're going to go back to -- Court Reporter, I
19 apologize, can you mark this as Exhibit 84?
20 **THE REPORTER:** Oh, this one? Okay.
21 Sticker on it or...
22 **MR. SHWARTS:** Are we done with this one?
23 **MR. GARCIA:** Yes.
24 **THE WITNESS:** And then that way, this
25 way.

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1 compliant with its compensation programs?
2 **A** I don't review legal -- legal compliance
3 issues.
4 **Q** That's not my question.
5 **MR. SHWARTS:** But that's what you're
6 trying to get at, so...
7 **MR. GARCIA:** Well, no.
8 **MR. SHWARTS:** Yeah, it is.
9 **MR. GARCIA:** Okay. Let me -- let me ask
10 it perhaps a different way.
11 **BY MR. GARCIA:**
12 **Q** What I understood you to say is, to your
13 knowledge, there's been no discrimination in your
14 organization for compensation for the focal reviews
15 for the last six years.
16 Is that a correct understanding?
17 **A** That's correct.
18 **Q** So what I'm trying to do is to see
19 whether you looked for anything that would evidence
20 that.
21 So did you review any documents to ensure
22 that your organization was being legally compliant
23 for the compensation?
24 **A** That's not my role. That would be the
25 role of community sources and legal, so I don't do

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1 **THE REPORTER:** This is 84.
2 **MR. GARCIA:** Okay. And again, I
3 apologize for it.
4 So we don't need to repeat the first page
5 because that didn't change. So again, this is a
6 two-sided document. So the next four pages are
7 screenshots between the one minute 16-second mark
8 and the one minute 23-second mark.
9 And what I have endeavored to portray in
10 this screenshot is the fields that one can see when
11 doing the focal reviews, okay?
12 So you see on the second page --
13 **MR. SHWARTS:** Before you ask a question,
14 I just want to just for the record, say I object to
15 the use of the exhibit because it is a created
16 exhibit. It's incomplete. It is Counsel-made
17 snapshot. Now, he's -- so I'm objecting to use this
18 exhibit.
19 He's representing that this is a
20 screenshot of workbench, so it's -- that's something
21 that you're -- you know, I assume he'll lay a
22 foundation if that's something you're familiar with.
23 **BY MR. GARCIA:**
24 **Q** Okay. So you see on Page 2 at the one
25 minute 16-second mark, up in the upper left-hand

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1 corner, there's an Oracle's -- name of Oracle, and
2 it says "Award All Focal and Bonus Components."
3 **A** Yes.
4 **Q** Does that normally appear in compensation
5 workbench?
6 **A** I couldn't tell you.
7 **Q** Okay.
8 **A** The screens have changed over the years.
9 **Q** Okay.
10 **A** So, yeah, assuming this is from five or
11 six years ago?
12 **Q** No, no.
13 **A** This is current.
14 **Q** This is from a copyright in 2017.
15 **A** That's the video.
16 **Q** This is the video.
17 **A** Yeah.
18 **Q** So what I'm going to ask you, then, is,
19 on these next four pages, I'm just going to go field
20 by field and ask you, in the last compensation
21 review, was this information -- the one you did a
22 couple months ago was this.
23 **A** Right.
24 **Q** So did it include employee name?
25 **A** Yeah. I mean, what I would like to say

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1 Does that refresh your memory of what was
2 done?
3 **A** I'm not sure. I mean, this is a video --
4 the title of the video, so I haven't seen this
5 video.
6 **Q** Okay. Then what I'm going to do, then,
7 is I'm just going to ask you about the fields and to
8 see if these fields -- instead of asking you a
9 question of please tell me every single field for an
10 employee that was in the compensation system that
11 you used two months ago, I'm just going to ask you
12 if these fields appeared in that, okay?
13 **A** Okay.
14 **Q** So did the employee's name appear in --
15 **A** Yes.
16 **Q** -- what you refer to as compensation
17 workbench?
18 Did the e-mail address appear?
19 **A** Yes.
20 **Q** Did the current annual salary appear?
21 **A** Yes, I think so. Because there's
22 eligible and there's annual.
23 **Q** Right.
24 **A** Yeah. Right.
25 **Q** So did the current focal eligible salary

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1 ahead of time, this is not the screen that we use.
2 **Q** This is not the screen that you use?
3 **A** Similar to the screen that we use, but
4 it's not the exact screen that we use.
5 **Q** Okay.
6 **MR. SHWARTS:** And this is also --
7 Counsel, this is not -- you're not -- you're not
8 laying a proper foundation. This is not
9 compensation workbench. This is workforce
10 compensation, not --
11 **MR. GARCIA:** Okay.
12 **MR. SHWARTS:** It's a -- so it's
13 misleading and it's -- there's no foundation.
14 **MR. GARCIA:** I apologize.
15 **BY MR. GARCIA:**
16 **Q** Does -- looking at Page 1, does workforce
17 compensation -- look at Page 1 of the exhibit,
18 please?
19 **A** This one?
20 **Q** Yes.
21 **A** Okay.
22 **Q** See in the upper right-hand corner of the
23 slide?
24 **A** Yes, yeah.
25 **Q** It says "Workforce Compensation."

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1 appear --
2 **A** Yes.
3 **Q** -- the one that's recommended?
4 Okay. Did the price increase amount
5 field appear?
6 **MR. SHWARTS:** You mean prior, Counsel.
7 **THE WITNESS:** Prior. Prior increase.
8 **MR. GARCIA:** I misspoke. Thank you,
9 Counsel. Got to get my glasses. So let me ask it
10 again, make sure we have a clear record.
11 **BY MR. GARCIA:**
12 **Q** Did the prior increase amount field
13 appear?
14 **A** I believe so.
15 **Q** Did the focal base amount increase field
16 appear?
17 **A** Base amount increase. Something to
18 the -- not sure if the exact same words were used,
19 but something similar.
20 **Q** Okay. Did the focal percent increase of
21 eligible salary field appear?
22 **A** Something similar to that. I'm not sure
23 if it was those exact words.
24 **Q** Did a field of the new annual salary
25 appear?

200

1 A Yes.
2 Q Did the new salary range compa-ratio
3 appear?
4 A I believe so.
5 Q Did the new salary range quartile appear?
6 A I believe so.
7 Q What is the quartile, salary quartile?
8 A Quartile, I don't know what the exact
9 definition of it is, but I think it's broken down to
10 above, below, and two more fields that I don't
11 remember.
12 Q Okay. So quartile --
13 A That we look at a lot.
14 Q "Quartile" indicates four?
15 A Yes.
16 Q So was the salary range broken down into
17 four parts?
18 A I guess -- I don't know.
19 Q That's fine.
20 A It's not something I pay a lot of
21 attention to.
22 Q I understand.
23 A Yeah.
24 Q So the next field is partially cut off,
25 and what I try to do is have overlapping fields. So

201

1 Q Did it have any salary range information
2 in it?
3 Do you recall?
4 A Titled salary range, I believe it did.
5 Q Did it have the old salary range?
6 A I -- you know, I'm not a hundred percent
7 sure because I don't really look at these fields.
8 Q That's -- okay.
9 A Yeah.
10 Q That's fine.
11 And again, I'm just -- I'm trying to get
12 a feel --
13 A Right, yeah.
14 Q -- of what you look at and what's
15 available to you. So that's -- that's the whole
16 purpose I'm trying to do this.
17 A Uh-huh.
18 Q So did it have current bonus eligible
19 salary due field in it that you looked at it, that
20 it had compensation --
21 (Simultaneous cross-talking.)
22 A The one that I recently did, I do not
23 believe it had the bonus eligible salary.
24 Q Did it have the bonus amount in it?
25 A No, because we -- we didn't do bonus.

203

1 if you would go to Page 3 of Exhibit 84.
2 In the last focal process that you did,
3 did it have new salary range quartile? That's the
4 one we just talked about.
5 A Yes, I believe it did.
6 Q Did it have salary range minimum, new?
7 MR. SHWARTS: He's down here now.
8 THE WITNESS: Oh, he's over here.
9 MR. SHWARTS: Yeah.
10 MR. GARCIA: I'm sorry.
11 THE WITNESS: Oh, with these overlap. I
12 get it. I get what you're saying.
13 Salary range minimum, new, I don't recall
14 whether that was there.
15 BY MR. GARCIA:
16 Q Fair enough.
17 Does it have salary range mid point, new?
18 A I don't remember whether that was there.
19 Q Okay. I'm just going to ask you all of
20 them --
21 A Right, yeah.
22 Q -- so just tell me if you remember.
23 A Right.
24 Q Did it have salary range maximum, new?
25 A I don't remember.

202

1 Q Okay.
2 A We have not done bonus lately.
3 Q So now let's go to 4 -- Page 4, and
4 the -- the amount on Page 4 goes to bonus salary
5 amount. So I'm going to start with that we
6 previously just addressed.
7 So did the focal review that you looked
8 at a couple months ago have bonus percent of
9 eligible salary?
10 A It did not have anything related to
11 bonus.
12 Q Thank you.
13 Did it have the -- a person's
14 discretionary title current?
15 A I believe so.
16 Q And if the discretionary title changed,
17 did it have the new discretionary title?
18 A I don't know.
19 Q Did it have a listing of the current job
20 code and title?
21 A I don't remember whether it had that.
22 Q Okay. Did it have -- if a person
23 received a new job title, was like promoted, did it
24 have that information?
25 A New job?

204

1 Q Yeah, if they got promoted or got placed
2 into a new job, would it have the new job title and
3 job code?
4 A Yeah, this -- this field is used if
5 you're promoting them as part of the process which
6 we very, very rarely do. Promotions don't happen as
7 part of this process in general.
8 Q Okay. So it is in there but it's rarely
9 used?
10 A It might be in there, but I don't recall
11 because we don't use it.
12 Q Okay. Very good.
13 Did it have a field for the prior
14 compensation rating in the focal review you did a
15 couple months ago?
16 A Yes.
17 Q Did it have a field for the new
18 compensation rating?
19 A Yes.
20 Q Did it have a field for ranking?
21 A Yes.
22 Q Let's go to the last page. And again,
23 I've overlapped ranking and direct manager.
24 Did it have a field for direct manager in
25 the focal review a couple months ago?

205

1 you didn't list.
2 Q For an individual employee.
3 A Yes.
4 Q What would those be?
5 A As an example, we would show the full
6 management chain would be each individual fields.
7 Q As a -- as -- as separate fields?
8 A Separate columns, yes.
9 Q Okay, thank you. I did not know that.
10 What else would be different?
11 A It would show the salary in the
12 candidate's currency, you know, local currency.
13 Q Okay. Because I think -- let me see if
14 that's on the second page.
15 A There's basically two fields: Salary in
16 U.S. dollars and salary in local currency.
17 Q I got you. I understand.
18 Anything else that was different?
19 A What else? I don't -- I guess the career
20 levels there, it doesn't spell out the career level.
21 Usually they spell out -- they have another column
22 that spells out the career level.
23 Q Like it would be -- for you would be
24 M8 --
25 A M8.

207

1 A Yes.
2 Q Did it have a field for the region?
3 A Yes.
4 Q Did it have a field for the country?
5 A Yes.
6 Q Did it have a field for the career level
7 or what we called global career level?
8 A Career level, yes.
9 Q Okay. And that's the global career level
10 that we previously spoke of, correct?
11 A I don't know if it's global career level
12 or not.
13 Q Fair enough.
14 Did it have a field for the -- the --
15 which country's currency the money was in?
16 A Yes.
17 Q Did it have an ability for a person to
18 click on something to see a person's compensation
19 history listed in the compensation workbench?
20 A I don't know whether it had that or not.
21 Q Now, I covered a lot of fields here.
22 What I'm questioning now is, have you seen fields in
23 focal reviews that are in addition to what we just
24 reviewed here in the work --
25 A Oh, yeah, there's a bunch of fields that

206

1 Q -- executive vice president?
2 A Correct. Yeah.
3 Q Is that what you're saying?
4 Anything else?
5 A We have executive titles there.
6 Oh, it -- I think it -- the ratings in
7 here, rating and ranking, it probably has a previous
8 ranking also.
9 Q Okay.
10 A It's another field that's in there.
11 There are so many fields.
12 Let's see, what else is in there?
13 Q Yeah, if you --
14 A It had the location also.
15 Q Yeah, if you -- if you would --
16 (Simultaneous cross-talking.)
17 A -- if you look at country but also
18 location, specific location --
19 Q So like address?
20 A Not address, but like --
21 Q City?
22 A -- it might say city or something like
23 that or --
24 Q Okay. So if you would look back at Page
25 4.

208

1 A Page 4.
2 Q Again, it has a dash for it.
3 A Dash 4. Am I looking for the dashmark.
4 Over there, okay.
5 Q So on that page, and then it shows
6 compensation rating prior and new compensation
7 rating?
8 A Okay. That's there, okay.
9 (Simultaneous cross-talking.)
10 Q Okay. But I just want to go back and
11 forth.
12 A Yeah, yeah.
13 Q I want to make sure what differences are
14 in any from what you look at.
15 Any other differences?
16 A In terms of these fields, I'm sure there
17 are because I think there's more fields, but I'm not
18 remembering. There's a lot of fields on this thing.
19 Q Okay.
20 A But those are the ones that I can
21 remember right now.
22 Q Okay. And again, race and gender were
23 not in any of the fields in the focal reviews that
24 you've ever seen, correct?
25 A Correct.

209

1 What was the other ones you asked?
2 Q Like compa-ratio?
3 A Compa-ratio, I don't believe, is outside
4 of this, but I'm not a hundred percent sure.
5 Q Okay. That's okay.
6 A Yeah.
7 MR. GARCIA: I'm going to use another
8 document. I'm going to go out of --
9 MR. SHWARTS: Why don't you put that
10 aside.
11 THE WITNESS: Okay.
12 MR. GARCIA: I'm going to go out of
13 order.
14 Court reporter, can you please mark this
15 as Exhibit 92.
16 THE REPORTER: Exhibit 92.
17 (Exhibit 92 marked for identification.)
18 BY MR. GARCIA:
19 Q Okay. So Exhibit 92 is another snippet
20 from the video, another video. The video was
21 entitled "Manage base pay."
22 Have you ever seen the video about
23 managing base pay?
24 A I don't believe so.
25 Q Okay. So what I'm going to go to,

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1 Q Okay. Now, as we just identified,
2 there's a lot of information about a person's pay
3 during the process of a focal review and
4 compensation workbench, correct?
5 A There's the current pay, and there's the
6 pre- -- yeah, previous pay. I wouldn't --
7 Q And --
8 A -- call that --
9 Q -- there's a compa-ratio, and then
10 there's a salary range information?
11 A Yes.
12 Q Okay. Does -- outside of a focal
13 review --
14 A Uh-huh.
15 Q -- so a manager doesn't have access to
16 this focal review, does he have access to that
17 salary information for his employees outside of a
18 focal review, like what their salary is, what their
19 salary range is, what their global career level is,
20 what their compa-ratio is?
21 A Definitely a manager has access to the
22 salaries.
23 Q Okay.
24 A And -- you know, discretionary salary,
25 all that kind of stuff.

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1 really, is the second page, and this was a -- a
2 snippet at the one minute and six-second mark. And
3 the -- what's depicted here is they're changing
4 someone's salary from the current value to a
5 proposed value.
6 That can happen outside of focal reviews,
7 correct?
8 MR. SHWARTS: Hold on. So ignore the
9 document. He's asking you a question.
10 MR. GARCIA: Uh-huh.
11 MR. SHWARTS: So the question is --
12 MR. GARCIA: Let me start over, Counsel.
13 MR. SHWARTS: Yeah.
14 MR. GARCIA: That would be easier.
15 MR. SHWARTS: Yeah, because there's no
16 foundation for the document with him.
17 MR. GARCIA: That's right. So that's
18 what I'm trying to do now.
19 MR. SHWARTS: No problem with the
20 substantive question.
21 BY MR. GARCIA:
22 Q Okay. So can the salary increase occur
23 outside of a focal process?
24 A It can.
25 Q And does that have a particular name

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1 associated with it?
2 **A** It does.
3 **Q** Is off cycle? "Off-cycle increase," have
4 you ever heard that term?
5 **A** Cycle increase could be the name.
6 **Q** Okay. Very good.
7 **A** I don't do very many of these things,
8 so...
9 **Q** What's important is -- and also, a salary
10 increase can occur outside of the focal review?
11 **A** Yes, that's correct.
12 **Q** Okay. So this information is showing a
13 person's salary being changed outside of a focal
14 review from current value to proposed value. And in
15 it, it identifies -- towards the lower part of Page
16 2 of Exhibit 92, it identifies the annual salary,
17 the full-time salary, the salary range, the
18 compa-ratio, the salary range position and the
19 quartile.
20 Does that refresh your memory about
21 whether a manager outside of the focal review has
22 pay information about their people?
23 **A** This particular page I've never seen.
24 **Q** No. So what I'm -- I'm using that as an
25 example, is -- does -- does this page in any way

213

1 that because I thought I did, but I may be mistaken.
2 So does a manager, an M1 manager, for his
3 people have any information related to compensation
4 other than the salary the person is currently
5 making?
6 **A** Yeah. So compensation is broader,
7 includes both bonus and -- and stock. They have
8 access to that information also.
9 **Q** Okay.
10 **A** And also, they have access to previous
11 salary and stock in -- in the bonus information.
12 **Q** Okay. Do they have any information
13 relating to compa-ratio, both current and previous?
14 **A** I -- I don't know whether they do or they
15 don't. It's not something we pay any attention to.
16 **Q** Okay. Do they have any information
17 related to salary range, current or prior?
18 **A** Outside of the focal?
19 **Q** Yes.
20 **A** I don't know, because again, it's not
21 something we pay a lot of attention to.
22 **Q** Understand. I'm just asking these
23 questions.
24 **A** Yeah.
25 **Q** Do they have any access to information,

215

1 change your testimony about whether a manager
2 outside of a focal review --
3 **A** Has access to it.
4 **Q** -- has more pay information about their
5 employees other than just what their salary is?
6 **MR. SHWARTS:** So object to form. Object
7 to the use of the exhibit in large measure because
8 it's incomplete. Also 'cause it's for someone who
9 apparently works at Oracle Australia, so I don't
10 know if it has any bearing on anything in his
11 organization or not. And it is -- it is -- it is an
12 incomplete exhibit.
13 You may answer the question.
14 **THE WITNESS:** Okay. So I had not seen
15 this. I do not have any knowledge of this. So --
16 **BY MR. GARCIA:**
17 **Q** So my --
18 **A** -- like what I said before stands which
19 is that I'm not aware that people have access.
20 **Q** To any information about their employees
21 related to pay other than what their salary
22 currently is; is that correct?
23 **A** I didn't say that. I said you asked
24 about compa-ratio.
25 **Q** Okay. So let -- let me -- let me ask

214

1 again outside the focal review, for the -- the
2 quartile that a person is in with their salary?
3 **A** I don't know because it's not something
4 we pay a lot of attention to.
5 **Q** Do you pay a lot of attention to if
6 someone is below the minimum of the salary range?
7 **A** That is something that is flagged when --
8 in the comp process.
9 **Q** During the focal review process?
10 **A** During the focal review process.
11 **Q** Is it flagged at any other time?
12 **A** No.
13 **Q** Now, promotions. Okay.
14 Have you ever heard the term "wet
15 promotions" and "dry promotions"?
16 **A** I've heard dry promotions. I'm not sure
17 I've heard wet promotions.
18 **Q** Fair enough.
19 What are dry promotions? What's your
20 understanding of that --
21 **A** Without a change of compensation.
22 **Q** Okay. And you haven't heard that wet
23 promotion is promotion with a change?
24 **A** No.
25 **Q** Okay. Very good.

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1 **A** Again, by the way, I've heard the term.
2 It's not a term we use.
3 **Q** Okay. So let me ask that question to
4 make sure that I address it fully.
5 Has -- to your knowledge, has anyone in
6 your organization ever used the term "dry
7 promotion"?
8 **A** Probably. But it's not something we
9 normally use.
10 **Q** Fair --
11 **A** If anybody ever used it? Probably.
12 **Q** Fair enough.
13 **A** Yeah.
14 **Q** So do promotions occur within your
15 organization?
16 **A** Yes.
17 **Q** I have to ask a foundational question;
18 otherwise, he'll get mad at me.
19 Okay. So when promotions occur, is it
20 automatic that a person gets a pay increase at the
21 time a promotion occurs?
22 **A** No.
23 **Q** Is it more often than not they do or
24 don't?
25 MR. SHWARTS: Objection. Vague.

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1 **Q** Okay. And what changed after 2018?
2 **A** It became a practice to do that.
3 **Q** A practice to give a salary increase when
4 a promotion occurred?
5 **A** Let me -- let me just rephrase. It was a
6 policy not to do that previously.
7 **Q** Okay. And after 2018 --
8 **A** It's no longer a policy not to do that,
9 so some do, some don't.
10 **Q** Very good. Thank you for the
11 confirmation.
12 Now, if a pay increase is not given when
13 a promotion -- strike that.
14 Now, my understanding of a promotion is
15 that someone is changing a global career level, like
16 global career level IC2 to IC3, M2 to M3.
17 Is that your understanding of a
18 promotion?
19 **A** Yes.
20 **Q** Okay.
21 **A** Primarily -- specifically -- you've made
22 a lot of specific things there. They could change
23 from IC to M whatever, so there's -- there's
24 others --
25 (Simultaneous cross-talking.)

219

1 BY MR. GARCIA:
2 **Q** Do you know?
3 MR. SHWARTS: You may answer.
4 THE WITNESS: That has changed in the
5 last year.
6 BY MR. GARCIA:
7 **Q** Okay. So 2018 and prior, was it more
8 often than not that they do or more often than not
9 that they don't get an increase at the time --
10 **A** Very rare to get an increase.
11 MR. SHWARTS: Hold -- hold on.
12 THE REPORTER: Get an increase in? I did
13 not get it.
14 BY MR. GARCIA:
15 **Q** Okay. So let me finish the question.
16 **A** All right.
17 **Q** So 2018 and before, was it more often
18 than not that they did get a pay increase or more
19 often than not that they did not get a pay increase?
20 MR. SHWARTS: Objection. Vague and
21 ambiguous.
22 You may answer.
23 THE WITNESS: It's very rare to get a
24 salary change as part of a promotion prior to 2018.
25 BY MR. GARCIA:

218

1 **Q** Right. There could be --
2 **A** -- examples of promotions.
3 **Q** So a person could go from like an IC3 to
4 an M2, correct?
5 **A** Correct.
6 **Q** Okay. I was just giving examples.
7 MR. SHWARTS: You were just -- you were
8 cutting off his answer in one of those moments where
9 you knew what he was saying, so...
10 MR. GARCIA: I can't even follow my own
11 instructions. I apologize. Okay. I will be on my
12 guard against that. I just get so excited.
13 BY MR. GARCIA:
14 **Q** Okay. If a person gets promoted to a new
15 global career level, is it generally true that they
16 have a new salary range than what they currently
17 have?
18 **A** I believe that in the system it shows a
19 different salary range. And what that is, we don't
20 use those salary ranges for a whole lot.
21 **Q** Thank you.
22 So could a situation occur that if
23 someone got promoted to a higher global career
24 level, that the sal- -- and they do not get a salary
25 increase, then their pay may be below the salary

220

1 band, the minimum of the salary range associated
2 with the global career level that they got promoted
3 into, correct?
4 **A** I believe that could happen, yes.
5 **Q** To your knowledge, has it ever happened
6 in your organization?
7 **A** I mentioned that we pay very little
8 attention to those salary ranges, so it's not
9 something I ever look at when someone gets promoted.
10 **Q** Okay.
11 **A** So it may have happened. It may not have
12 happened. I would think if it happened, it would be
13 a rare event. But we don't look at it.
14 **Q** I asked you earlier if you knew your
15 global career level, and you said yes and you
16 identified you're an M8.
17 Do you know what salary grade is?
18 **A** M8 or M9. I'm not sure.
19 **Q** I think it's an M8. But I think an M9 is
20 a president, and I think an M10 is CEO, like
21 Mr. Ellison.
22 **A** Okay. I can't --
23 **Q** But whatever.
24 **A** -- get to the point where these numbers
25 are. Like I don't even know my own number.

221

1 **MR. SHWARTS:** So first of all,
2 Mr. Ellison --
3 **MR. GARCIA:** Yeah.
4 **MR. SHWARTS:** -- is not the CEO currently
5 of Oracle. So please.
6 **MR. GARCIA:** I apologize, then, if I
7 misspoke.
8 **BY MR. SHWARTS:**
9 **Q** So --
10 **A** Because I don't even know my own number,
11 that's how little we use these numbers.
12 **Q** Okay. So I'll ask the question again.
13 I'm not sure if I got a -- a response because we
14 were -- I was speaking over you. I apologize.
15 Do you know what your salary grade is?
16 **A** No.
17 **Q** Do you know what your salary range is?
18 **A** No.
19 **Q** Do you have the ability to go anyplace to
20 find them?
21 **A** I don't think so, but I've never hunted
22 for it.
23 **Q** Okay. Do you know if your employees who
24 are at the individual contributor level have access
25 to their information related to what salary grade

222

1 they are?
2 **A** Salary grade?
3 **Q** Yes.
4 **A** I don't know that they have access to
5 that.
6 **Q** How about their salary range?
7 **A** I don't know that they have access to
8 that either.
9 **Q** And last but not least, their global
10 career level?
11 **A** The career level is something that I
12 believe they have access to.
13 **Q** Okay. Affirmative action. I'm switching
14 topics now.
15 **A** Okay.
16 **Q** Do you know anything about affirmative
17 action as -- as it pertains to Oracle?
18 **MR. SHWARTS:** Objection. Overbroad.
19 Calls for a legal conclusion.
20 **BY MR. GARCIA:**
21 **Q** No, I just want to know if you know
22 anything about it. It's very broad. He's right,
23 it's a very broad question.
24 **A** Yes.
25 **Q** So I'll narrow it down.

223

1 Okay. What do you know about affirmative
2 action in Oracle?
3 **A** I know that Oracle seeks to bring in
4 candidates that are underrepresented.
5 **Q** Do you know anything else about
6 affirmative action in Oracle?
7 **A** I believe that's the main thing, main
8 part of it, but I'm sure there's other parts of it.
9 **Q** Again, I'm only trying to explore what
10 you know.
11 **A** Right. Well, you're talking about
12 affirmative action in terms of hiring, is what
13 you're talking about?
14 **Q** I'm just saying affirmative action. I'm
15 not limiting it to hiring.
16 **A** Okay. 'Cause there is other special
17 programs that we run for minorities, such as women
18 and such.
19 **Q** Like OWL?
20 **A** Yes, like OWL would be an example of
21 that, yes.
22 **THE REPORTER:** OWL, O-U?
23 **MR. GARCIA:** O-W-L.
24 **MR. SHWARTS:** O-W-L, the bird.
25 **THE REPORTER:** Owl.

224

1 THE WITNESS: Oracle women's -- what's
2 the L? We just call it OWL.
3 BY MR. GARCIA:
4 Q Okay.
5 A Leadership. Oracle Women's Leadership
6 program, that's -- that's the name of it, yeah.
7 Q Okay. So you have --
8 A OWL is not a hiring thing. OWL is an
9 acronym, right?
10 Q Right. It's like an affinity group
11 within Oracle.
12 A Not just an affinity group. It's
13 something that we kind of have -- provide special
14 training to, special events, special opportunities
15 to.
16 Q Okay. Besides those groups like OWL and
17 besides affirmative action related to hiring, do you
18 know if there's anything else related to affirmative
19 action at Oracle?
20 A Yes, there's quite a bit of special
21 events and training that we provide, particularly to
22 women and minorities.
23 Q Okay. Can you give me an example?
24 A Right now, I recently had like three
25 separate programs that we're sending people to. For

225

1 Do you know anything about Oracle's
2 affirmative action goals?
3 A I know somewhat about it, yes, something
4 about it.
5 Q Can you tell me what you know about
6 Oracle's affirmative action goals.
7 A Affirmative action goals, I -- I couldn't
8 be able to quote it exactly, but we do track -- or I
9 shouldn't say we. Some group within HR tracks where
10 we stand in various goals and -- and lets us know
11 where we are below the goals, you know, in each
12 region.
13 Q Okay. So do you know what the goals that
14 they are tracking pertain to?
15 A Primarily, you know, participation by
16 underrepresented minorities.
17 Q And by that, do you mean the percentage
18 of Oracle's workforce and different groups that are
19 minorities? Is that what you mean?
20 A I don't know the details, but I think
21 that's certainly a factor.
22 Q Okay. Do you know if there's any Oracle
23 goals -- or strike that.
24 See, so I'm trying to understand what you
25 mean by representation -- or representatives. Can

227

1 example, there's a Grace Hopper conference which is
2 for women. We had both attendees and a speaker at
3 that. And there's two or three similar events whose
4 names I can't recall off the top of my head that --
5 that we -- that we -- that we pay for and send
6 minorities to.
7 Q So like outreach programs, is that a
8 fair --
9 A "Outreach" I don't think is the right
10 term to use.
11 Q Okay.
12 A They're more kind of events for -- where,
13 you know, minorities receive training, where they
14 receive -- where they hear from other people and,
15 you know, learn how to advance, how to -- how to
16 succeed.
17 Q Okay.
18 A We also have programs within Oracle where
19 we do that, for example, where managers will speak
20 specifically to minorities about career advice, how
21 to succeed.
22 Q Okay. And so one of my favorite
23 questions is, is there anything else?
24 A I'm sure there is.
25 Q Fair enough.

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1 you tell me what you mean by that?
2 A Again, I don't set these goals. I don't
3 track the goals. I'm told whether we're below or
4 above.
5 I think it's primarily based on how --
6 you know, per- -- you know, how many staff of each
7 minority that we have in each region or in each
8 location relative to other staff.
9 So percentage could be one of the things
10 that they look at. I'm not sure what else they look
11 at 'cause I'm not -- it's not my role.
12 Q What I'm understanding you to say is that
13 your understanding is it's representation of a
14 specific group of people, like minority, to the
15 overall population.
16 Is that an under- -- correct
17 understanding?
18 A General population. Within a specific
19 geography.
20 Q Right.
21 A Yes.
22 Q Is that correct understanding?
23 A Not just geography, but also business
24 unit.
25 Q Right.

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1 So it's the representation of a
2 particular group, a minority group, to the overall
3 population in a particular geographical area and a
4 particular business unit.
5 Would that be a correct understanding?
6 **A** Yes. I'm sure they probably have more
7 aspects to it, but --
8 **Q** Okay.
9 **A** -- I don't really follow 'cause it's not
10 my area.
11 **MR. SHWARTS:** Must be something to do
12 with ask human resources?
13 **THE WITNESS:** Right.
14 (Simultaneous cross-talking.)
15 **THE WITNESS:** That would be a better --
16 better question for someone that is actually in that
17 area.
18 **BY MR. GARCIA:**
19 **Q** We ask these questions of everybody so we
20 can understand what different people know.
21 So again, my favorite question, anything
22 else, any other goals that you know of, affirmative
23 action goals?
24 **A** Those -- I think that those goals are
25 tracked, and they're reported on. Yes, those are

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1 action goals are for 2019?
2 **A** The overall goal, I -- we get a report on
3 what -- where we're -- where we are not meeting the
4 goals by region.
5 **Q** Right.
6 **A** So they would be things like Hispanic
7 developers in California or something similar to
8 that.
9 **Q** And the reports that you get are about
10 the representation of groups in different lines of
11 business in different geographical areas, correct?
12 **A** Again, it's -- I think it's primarily
13 that. There might be other factors as well.
14 **Q** And currently you don't remember if the
15 report includes anything else, correct?
16 **A** I'm not aware of everything else they
17 factor into, but that's, I think -- you know, it's
18 an important part of it.
19 **Q** I'm -- I'm not --
20 **A** Yeah.
21 **Q** -- disagreeing with you.
22 **A** Right.
23 **Q** I'm just trying to understand, to -- to
24 your knowledge, you don't have any direct knowledge
25 that includes anything else. It may or may not; you

231

1 the ones. Now, what else they track, I'm not sure.
2 **Q** And what other goals are, you're not
3 sure, if any, correct?
4 **A** Well, the goals are, you know, compliance
5 and also to achieve kind of, you know, more fair
6 representation --
7 **Q** Right.
8 **A** -- or equitable or whatever the right
9 word is.
10 **Q** Are there any other goals that you know
11 of other than compliance and equitable or fair
12 representation?
13 **A** Yeah. So one of the reasons why we send
14 minorities to training is we want to advance their
15 careers and help them succeed.
16 **Q** Okay. And by help them succeed, is to
17 help them get a job perhaps at Oracle or another
18 company, correct?
19 **A** Get a job and also get promotions, move
20 up in the hierarchy.
21 **Q** Thank you.
22 Now, I asked you generally about Oracle's
23 goals for affirmative action. Now I'm going to get
24 a little more specific in time frame.
25 Do you know what Oracle's affirmative

230

1 just don't know, correct?
2 **A** I don't know of anything else that it
3 includes, but --
4 **Q** Okay.
5 **A** -- certainly might include lots of other
6 things.
7 **Q** Fair enough.
8 And you don't know any specific goals and
9 actual numbers, like percent increase of -- of
10 Hispanics in this organization by 5 percent or
11 10 percent? You don't know any of the specific
12 goals; is that a correct understanding?
13 **A** We get a report of the goals, you know,
14 where we're -- where we're below and where we're
15 higher. And I don't recall whether they had a
16 specific percentage in there.
17 **Q** Does the report -- when it indicates that
18 you're below or above the goal, is that just
19 word-wise? Does it include numbers?
20 **A** I don't recall --
21 **Q** That's fine.
22 **A** -- a specific number.
23 **Q** Again, I'm going to ask you questions,
24 and I just ask you to tell me what you know.
25 Do you know -- have you ever heard the

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1 term "affirmative action program"?
2 **A** Affirmative action program?
3 **Q** Yeah.
4 **A** I'm not sure whether the word -- those
5 specific words I've heard.
6 **Q** Okay. So have you ever -- do you know --
7 strike that.
8 Do you know if Oracle has an affirmative
9 action program?
10 **A** As I mentioned, we have programs that
11 track. We have, you know, programs that try to
12 advance --
13 **MR. SHWARTS:** I'm going to object --
14 **THE WITNESS:** -- minorities, et cetera.
15 **MR. SHWARTS:** -- because it calls for --
16 an AAP is a -- it's a legal term of art, so I'm
17 going to object on the --
18 **MR. GARCIA:** Okay.
19 **MR. SHWARTS:** -- grounds that it calls
20 for a legal conclusion. And I don't know why we're
21 spending time on this with an individual non
22 30(b)(6) witness.
23 **MR. GARCIA:** I understand.
24 **BY MR. GARCIA:**
25 **Q** So I'm asking specifically about a plan,

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1 communicates to me that you don't know.
2 Is that a correct understanding?
3 **A** What I'm saying, you're asking about a
4 specific document with a specific title? I've seen
5 a lot of documents, but I don't memorize, like, for
6 example, what's the title of this. You know, I
7 don't know what the title of this particular
8 document.
9 **Q** Right.
10 And so just like to my understanding,
11 when you say "maybe," you're saying I might have
12 seen it and I might not, but I don't currently know
13 at this moment. And that's what I understand you to
14 be saying.
15 Is that a correct understanding?
16 **MR. SHWARTS:** Objection. Lack of
17 foundation.
18 You may answer.
19 **THE WITNESS:** I'm just saying, I don't
20 pay attention to specific titles where I memorize
21 the specific title 'cause it's not meaningful to me.
22 **BY MR. GARCIA:**
23 **Q** Okay.
24 **A** Like a lawyer, since that is a legal
25 document, would probably pay a lot more attention to

235

1 a written document, entitled "Affirmative Action
2 Program" for Oracle.
3 Do you have any knowledge of that
4 document?
5 **A** Maybe. I don't really pay attention to
6 the exact words as much as -- as that. I've seen
7 plenty of documents on affirmative action.
8 **MR. SHWARTS:** He's talking --
9 **THE WITNESS:** Yeah.
10 **MR. SHWARTS:** -- and he's misleading.
11 Because affirmative action program -- affirmative
12 action plan is a specific legal document that Oracle
13 is required to give to the federal government --
14 **THE WITNESS:** Right.
15 **MR. SHWARTS:** -- prepared by certain
16 people at Oracle to give to them.
17 **THE WITNESS:** Right.
18 **MR. SHWARTS:** And he's not going to put
19 it in front of you. He's asking whether you've ever
20 seen such a document that says that.
21 **BY MR. GARCIA:**
22 **Q** Have you ever seen such a document
23 that's --
24 **A** Maybe.
25 **Q** Okay. So when you say "maybe," it

234

1 the specific title of a document.
2 **Q** Okay. So do you know of -- strike that.
3 Do you know whether Oracle has contracts
4 with the United States government?
5 **A** I believe that Oracle does; although, I
6 don't know specific contracts that we have.
7 **Q** Okay. Do you know any specific
8 obligations that Oracle has under the Department of
9 Labor's regulations?
10 **A** I believe there is obligations on the
11 discrimination front there. But again, I'm not a
12 lawyer, so I don't know the specifics of these
13 things.
14 **Q** No, I'm just trying to understand what
15 you know.
16 **MR. SHWARTS:** I don't know why that
17 matters.
18 **MR. GARCIA:** Okay. I understand,
19 Counsel.
20 **BY MR. GARCIA:**
21 **Q** But what I want to understand is what you
22 as an executive vice president of Oracle knows about
23 what, if any, obligation Oracle has because it has
24 federal contracts.
25 Do you know?

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1 **A** I know certain things. I know about
2 discrimination. I know about payments to government
3 officials. For example, we're instructed to --
4 **Q** Not do bribes, right?
5 **A** Well, not just bribes, but even things
6 like provide lunch.
7 **Q** Okay.
8 **A** For example, we have to exclude
9 government employees if we're having a meeting with
10 lunch in our -- in our, you know, Oracle facilities
11 or somewhere else.
12 **Q** Okay.
13 **A** So there's a number of specific
14 requirements that I would say go beyond the bribe,
15 really, provide no material support to a government
16 employee. And that does involve excluding
17 government employees from a number of standard
18 business functions where something might be
19 provided, like a lunch.
20 **Q** Do you know if Oracle, because if it has
21 government contract, has any obligations regarding
22 compensation?
23 MR. SHWARTS: Object. Beyond -- this is
24 way beyond the scope. You know, the relevant time
25 period of this case, he was not an executive vice

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1 president. He's not here to speak on behalf of the
2 company in a 30(b)(6) capacity.
3 So what Mr. Loaiza's knowledge is
4 about -- about government contract obligations is
5 not relevant here at all.
6 MR. GARCIA: Okay. And I disagree with
7 you whether it's relevant. I do agree with you that
8 he is not being called as a Rule 30(b)(6) witness.
9 BY MR. GARCIA:
10 **Q** And to make sure that I'm in the scope,
11 I'm talking about your knowledge from January of
12 2013 to the present. And I'm asking you, do you
13 know whether Oracle, if it has federal contracts,
14 has any obligations regarding compensation?
15 MR. SHWARTS: Objection. Overbroad.
16 You may answer.
17 THE WITNESS: I believe there's
18 obligations related to nondiscrimination on
19 compensation.
20 BY MR. GARCIA:
21 **Q** And what are those obligations --
22 MR. SHWARTS: Objection. Calls for a
23 legal conclusion.
24 BY MR. GARCIA:
25 **Q** -- to -- to --

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1 MR. SHWARTS: Come on, Norm. Really?
2 MR. GARCIA: Counsel, will you please not
3 interrupt. I'm asking -- I'm trying to understand
4 his knowledge. I'm not asking for a legal def- --
5 MR. SHWARTS: Why?
6 MR. GARCIA: I believe it's a --
7 MR. SHWARTS: He just -- this is a guy
8 who ran -- works one business unit at Oracle. He
9 doesn't speak for the whole company. So asking him
10 what Oracle's obligations are broadly is -- is
11 beyond the scope of an individual witness' knowledge
12 and it's not relevant.
13 MR. GARCIA: Okay.
14 MR. SHWARTS: And it's not binding on the
15 company.
16 BY MR. GARCIA:
17 **Q** I'm asking you your knowledge about what
18 the obligations Oracle has. If you know, you know.
19 If you don't know, you don't know. It's as simple
20 as that.
21 We spend more time talking about whether
22 he should be asked this question rather than him
23 just answering the question.
24 So do you know -- again for this -- for
25 from January 2013 to the present, if Oracle has

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1 federal contracts, what, if any, obligations does it
2 have regarding compensation?
3 Do you know?
4 MR. SHWARTS: Objection. Calls for a
5 legal conclusion.
6 You may answer if you know. If you -- if
7 you have any idea what our legal obligations are.
8 THE WITNESS: I believe, as I mentioned,
9 that there's nondiscrimination in there, and there's
10 things about payments to government officials.
11 BY MR. GARCIA:
12 **Q** Okay.
13 **A** Those are the two that come to mind.
14 **Q** Okay.
15 **A** I shouldn't even just say payments, but,
16 you know, whatever, lunch, which is -- you could
17 consider a payment or not, but...
18 **Q** Do you know whether Oracle's required to
19 conduct any analysis of its compensation system
20 under the Department of Labor's regulations?
21 MR. SHWARTS: Objection. Calls for a
22 legal conclusion.
23 THE WITNESS: It's not my area.
24 MR. SHWARTS: No, no. I'm instructing --
25 I'm instructing him not to answer.

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1 MR. GARCIA: You can't --
2 MR. SHWARTS: He's not a lawyer.
3 MR. GARCIA: You can't -- you can't
4 instruct him not to answer.
5 MR. SHWARTS: I just did. Take me to the
6 judge. Go ahead.
7 MR. GARCIA: Okay. Well, I'm just going
8 to --
9 MR. SHWARTS: And you can explain to the
10 judge why you're asking this witness that question.
11 MR. GARCIA: And -- and I will.
12 MR. SHWARTS: Go ahead.
13 MR. GARCIA: And I will, but I just want
14 to put it on the record.
15 MR. SHWARTS: You will lose that motion.
16 Let's go.
17 MR. GARCIA: No. I let you talk,
18 Counsel. I would appreciate it if you let me talk.
19 And I'll put it on the record that there's only
20 three grounds to give a witness an instruction not
21 to answer. It is that there's a current protective
22 order, there is a privilege or that you will be
23 seeking a protective order.
24 Those are the only three grounds that you
25 can --

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1 again?
2 MR. GARCIA: Court Reporter, can you go
3 back to the question?
4 THE REPORTER: Let me see where it is. I
5 have to go up higher. The original question?
6 MR. GARCIA: The question right before he
7 instructed him not to answer.
8 THE REPORTER: Uh-huh, I'm looking for
9 it.
10 MR. GARCIA: I understand. That's why
11 you have to go a little ways, and that's why I'm
12 asking you to do it versus me.
13 (Record read.)
14 MR. SHWARTS: Objection. It calls for a
15 legal conclusion. It's overbroad.
16 THE WITNESS: Yeah, I'm not -- I'm not
17 aware of legal requirements that are passed on to
18 Oracle.
19 THE REPORTER: That are what?
20 THE WITNESS: Given to Oracle.
21 THE REPORTER: Oh. This a good time for
22 a break?
23 THE WITNESS: Reporting.
24 MR. SHWARTS: Yeah.
25 MR. GARCIA: Yeah. Actually, it's a good

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1 MR. SHWARTS: Right. And I will say that
2 if you continue to ask him for legal conclusions of
3 a lay witness, then I'm going to seek a protective
4 order if you keep doing it.
5 MR. GARCIA: Okay.
6 MR. SHWARTS: He's not here to testify
7 about what -- what Oracle's legal obligations are.
8 He's here on an individual basis to talk about his
9 personal knowledge. He's not a lawyer. He doesn't
10 know what the legal obligations are the way you're
11 asking the questions.
12 MR. GARCIA: And when I'm asking the
13 question is his knowledge as an individual person of
14 what Oracle's obligations are, if any. And if he
15 doesn't know, he can simply say he doesn't know.
16 And that's what --
17 MR. SHWARTS: Objection. It's overbroad.
18 It calls for a legal conclusion.
19 MR. GARCIA: Okay.
20 MR. SHWARTS: You can answer if you know.
21 THE WITNESS: So are you instructing
22 me --
23 MR. SHWARTS: No. You can answer if you
24 know.
25 THE WITNESS: Okay. Repeat the question

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1 time for a break. Let's take a break.
2 Thank you.
3 THE VIDEOGRAPHER: This marks the end of
4 media file labeled No. 4. Off the record at
5 2:27 p.m.
6 (Recess.)
7 THE VIDEOGRAPHER: This marks the
8 beginning of media labeled No. 5. Back on the
9 record at 2:38 p.m.
10 BY MR. GARCIA:
11 Q So I'm going to call your attention to
12 Exhibit 7, the one that looks like this
13 (indicating).
14 Can you pull that out, please? It's in
15 your little stack there.
16 MR. SHWARTS: It's this one. Managing
17 compensation.
18 MR. GARCIA: Okay?
19 BY MR. GARCIA:
20 Q Okay. So I want you to go to Page 31, if
21 you would, please?
22 A Okay.
23 Q Okay. So one of the things we talked
24 about today is compa-ratio, and this slide to me
25 indicates that the compa-ratio equals the employee's

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1 salary divided by the midpoint of the salary range
2 times a hundred.
3 Does that refresh your memory of what the
4 compa-ratio is?
5 **A** I wouldn't call it refresh. It's not
6 something that I knew previously, but --
7 **Q** Okay. That's fine.
8 (Simultaneous cross-talking.)
9 **A** -- it's not something --
10 **Q** I'm going to change gears now. You can
11 put that exhibit away.
12 **A** Okay.
13 **Q** I'm going to go back to flesh out a
14 little more what we talked about earlier this
15 morning about justifications and how the comments in
16 the compensation workbench, a person is not required
17 to -- to justify the rankings, the ratings and the
18 pay recommendations they made in terms of actual
19 dollars.
20 Do you remember that?
21 **A** Yes.
22 **Q** So my question to you is, if there's no
23 comments put down about why they came up with the
24 ratings, the rankings and the actual dollars for the
25 recommendation, how would a person know what factors

245

1 **Q** Right.
2 So is there -- so again, I have to ask
3 these questions even though I kind of know the
4 answers to.
5 Is there any way that a person who's not
6 the person making the recommendations, would it be
7 able to determine if the person used an improper
8 factor?
9 **A** Well, one of the things that we do is we
10 re- -- I did mention, is when we get, for example, a
11 focal process, we look at the ratings and rankings.
12 And we look at the recommended raises, and then we
13 say, hey, do these things make sense together or do
14 they not make sense together?
15 If you gave someone, for example, a low
16 rating but you're giving him a high -- him or her a
17 high raise, then questions will be asked about that.
18 **Q** Right.
19 And that would be an obvious flag, right,
20 if they gave them a low rating and a high raise?
21 **A** Well, there's a number -- yeah. Or -- or
22 the opposite, that kind of thing.
23 **Q** Yeah. But what if a person is smart
24 enough to discriminate against someone that they
25 give them low rating, a low ranking and a low raise,

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1 that initial manager based his pay recommendations
2 on?
3 **A** How would we know?
4 **Q** How would someone besides above and
5 beyond that person who made the initial pay
6 recommendations, if we don't -- if there's nothing
7 written regarding the ratings, the rankings and how
8 they came to arrive at a particular salary
9 recommendation --
10 **A** Uh-huh.
11 **Q** -- how would we know what factors they
12 considered?
13 **A** Well, they're given guidelines on things
14 to consider when --
15 **Q** Are those --
16 **A** Yeah.
17 **Q** Are those -- so they're just guidelines;
18 they're not mandatory, correct?
19 **A** That's correct, yes.
20 **Q** So we don't know if they follow that
21 guidelines, correct?
22 **A** That's true. They could not follow.
23 **Q** And we would never know, correct?
24 **A** At some point it becomes evident, but in
25 some range, you wouldn't know.

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1 how would you determine if -- if there was in fact
2 discrimination occurring?
3 **MR. SHWARTS:** Objection. Assumes facts.
4 Lack of foundation.
5 You may answer.
6 **THE WITNESS:** Depends on whether the
7 manager's manager knows the person being rated.
8 So, for example, if there's someone I
9 knew personally and I saw that they were given a
10 very low rating and I know that that -- or I believe
11 that person is a good performer, I would go back and
12 question and say: Hey, I know this person's a good
13 performer, why are you rating them low?
14 **BY MR. GARCIA:**
15 **Q** Right.
16 So someone -- or strike that.
17 Is there any other way that -- that could
18 be determined whether there was discrimination being
19 practiced other than the personal knowledge of the
20 manager above or any other manager in this chain of
21 command knew about the person being rated?
22 **MR. SHWARTS:** Objection. Assumes facts.
23 Lacks foundation.
24 You may answer.
25 **THE WITNESS:** I'm sure there's other

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1 ways, but right on the spot, I'm not thinking of a
2 lot of other ways.
3 BY MR. GARCIA:
4 Q Okay. Because that's -- that's what I'm
5 trying to find out.
6 You're the person that's involved in the
7 focal reviews. You have reviewed things in the
8 past. And what I'm trying to determine is how you
9 through that experience would see ways that we can
10 perhaps stop or at least ask questions about if
11 something looks funny.
12 And you've given two examples. One, if
13 they're not -- if something's out of kilter that it
14 doesn't follow that they're all three high, they're
15 all three low, that's one example.
16 Another example you said if some --
17 personal knowledge by a manager in the chain of
18 command.
19 Do you know of any others that can be
20 done?
21 A We could probably look at what we believe
22 someone's market salary is and say, is it really
23 low, below, that their salary is way below, in which
24 case, why are they being given a low raise, or
25 really high, in which case we'd ask why they'd be

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1 THE WITNESS: What I want to back up on
2 and say, these quartiles and compa-ratios, we don't
3 really pay a lot of attention to them because
4 they're very broad and they don't take into account
5 the specific skills, you know, abilities of an
6 individual employee.
7 BY MR. GARCIA:
8 Q I understand.
9 A So it's not something we spend a lot of
10 time on looking at. I really -- I don't even know
11 what these, you know, things are because I don't pay
12 any attention to them because I don't really care.
13 Q I understand.
14 A Yeah.
15 Q I may -- in fact, will avoid a couple
16 questions because of that statement. But let me ask
17 this one.
18 Do you know what the midpoint of the
19 salary range is supposed to represent in terms of a
20 person's capabilities?
21 A To me, what it's supposed to represent,
22 I --
23 Q In terms --
24 A Again, I don't -- I don't --
25 Q Okay.

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1 giving a really high raise.
2 Q Independent of the focal review, do you
3 look at people's salaries and determine if they're
4 appropriately being paid?
5 A Primarily focal, or when someone brings,
6 you know, a complaint about their compensation or
7 when they are -- you know, have competing offers we
8 would look at. So those would be other cases we'd
9 look at.
10 Q Okay. So we kind of touched upon it, but
11 I'm going to go more in depth.
12 So we talked about salary ranges and
13 quartiles, and you -- and my understanding is you
14 don't know how quartiles are determined, correct?
15 A Yeah, I don't know the details of how
16 that's determined, no.
17 Q Okay. And again, I'm just going to ask
18 these questions just to see what your knowledge is.
19 If someone is -- is -- has a pay that's
20 in the first quartile, do you know what significance
21 that means or why their pay would be in the first
22 quartile?
23 MR. SHWARTS: Objection. Lack of
24 foundation.
25 You may answer.

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1 A -- really know it. I could.
2 Q No guesses.
3 A -- guess.
4 Q Yeah, no speculation, no guesses. I just
5 want you to tell me what you know. If you don't
6 know, you don't know. If you don't use it, you
7 don't use it.
8 I'm giving you what's previously marked as
9 Exhibit 1 in Ms. Waggoner's deposition. I'm going
10 to ask you to turn to Page 20.
11 (Exhibit 1 previously marked for identification.)
12 A Twenty?
13 Q Yes please.
14 And you won't believe what's going to be
15 there.
16 A Formula.
17 Q Have you ever seen the page at Exhibit 1,
18 Page 20 before?
19 A I don't believe so.
20 Q Okay. So again, I'm doing this to try to
21 refresh your memory. If it doesn't refresh it, it
22 doesn't refresh it.
23 It indicates that the people who are
24 placed in Quartile 1, which is from the minimum to
25 the minimum plus Quartile 2 divided by two, are new

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1 employees or employees that are not performing well.
2 Do you follow that practice of putting
3 people in Quartile 1 who are either new employees or
4 not performing well?
5 MR. SHWARTS: Objection. Lack of
6 foundation.
7 You may answer.
8 THE WITNESS: No.
9 BY MR. GARCIA:
10 Q Okay. And then it says:
11 "The salary of a competent performer
12 should be close to the midpoint of a
13 salary range."
14 Do you see that?
15 A I see where it says that, yes.
16 Q Do you follow that practice of putting a
17 competent performer at the midpoint of the salary
18 range?
19 MR. SHWARTS: Objection. Lack of
20 foundation.
21 You may answer.
22 THE WITNESS: No.
23 BY MR. GARCIA:
24 Q Okay. And then it says that someone in
25 the third or fourth quartile generally should be

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1 you know, a requisition, a job posting of a job
2 vacancy, when they're hired into a job, are they
3 ever placed below the minimum of the salary range in
4 your organization?
5 A I don't know. It's not something we
6 really look at.
7 Q Okay. Again, I'm just going to ask
8 several questions regarding that.
9 When a person is promoted, to your
10 knowledge, in your organization, can a person ever
11 be promoted into a job where their salary is below
12 this -- the minimum of the salary range?
13 A Yeah, I'm sure they can. There's nothing
14 to stop it.
15 Q Okay. Has that, in fact, happened?
16 A I don't know.
17 Q Okay.
18 A Again, I don't follow the quartiles
19 very -- it's not something I pay any attention to.
20 Q Okay. Do people look at when people are
21 hired whether they're at least making the minimum
22 salary range in your organization?
23 A I -- it's not something we pay much
24 attention to. We're looking at -- at the
25 competitive dynamics not --

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1 employees whose contributions are high or those who
2 are ready for promotion.
3 Do you see that?
4 A I see that, yes.
5 Q Do you follow that practice?
6 MR. SHWARTS: Objection. Lack of
7 foundation.
8 You may answer.
9 THE WITNESS: Not specifically, no.
10 BY MR. GARCIA:
11 Q Okay. And we're done with that, unless
12 you want to go on with that? You want --
13 A No, I mean, it's what I mentioned, it's
14 just not something that we look at a whole lot
15 because it doesn't take into account specific skills
16 and, you know, markets that we see for a specific
17 person. So...
18 Q Okay. So previously we talked about
19 whether someone salary is below the minimum of the
20 salary range, and you identified that there were
21 instances of that?
22 A Yes.
23 Q So now I'm going to change the question
24 slightly.
25 Can someone, you know, through a posting,

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1 Q Okay.
2 A -- some --
3 Q And again --
4 A -- over in some spreadsheet somewhere.
5 Q I'm going to ask the question even though
6 I kind of know the answer and it's just a slight
7 variation.
8 If some -- does your organ- -- does
9 anyone in your organization look at when someone is
10 promoted that they're -- whether they're making
11 below the minimum of the salary range?
12 A Someone might look at it, but again, I
13 don't know what somebody looks at. But it's not
14 something we pay a lot of attention to.
15 Q And to your knowledge, you don't know if
16 that's actually happened in your organization,
17 correct?
18 A That someone's looked at it?
19 Q No. I -- I misspoke. I apologize.
20 You don't know within your organization
21 whether anyone has been hired into a job below the
22 salary range, correct?
23 A I don't know. It's not something I
24 track.
25 Q Okay. We talked previously about the

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1 focal process and how salaries are increased with
2 that.
3 We also talked about off cycle, it was my
4 term, but you knew it happened where in between
5 focal processes people had their salaries increased.
6 Do you remember that?
7 A Yes.
8 Q So would there be any reason to increase
9 a person's salary between focal processes if it
10 wasn't related to a promotion?
11 A Yes.
12 Q And why would that occur?
13 A Competing operable would be the primary
14 reason, or the other reason would be someone who's
15 complained and threatened to leave unless their
16 salary is increased.
17 Q Do you have -- okay. Strike that.
18 Is there any other reasons?
19 A Where their compensation is increased, if
20 there's some corporate reason why somebody increases
21 somebody's salary but it's not something we would
22 initiate.
23 Q Understand.
24 Going back to focal re- -- focal process.
25 Do you know whether the salary ranges -- or I'll

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1 result of looking at the marketplace and adjusting
2 the salaries?
3 A Right. And there might be other things
4 that they consider. I'm not in that process.
5 Q Okay. Fair enough.
6 MR. GARCIA: 85?
7 THE REPORTER: Yes.
8 MR. GARCIA: I will tell you formally
9 once you get there.
10 Court reporter, can you please mark the
11 next document as Exhibit 85.
12 Thank you.
13 (Exhibit 85 marked for identification.)
14 Q I recognize that you may not have seen
15 this particular candidate details, but I want to ask
16 you some questions about it once you've reviewed the
17 document.
18 A Okay.
19 Q Okay. So in this document -- it's
20 Bates-stamped No. 414414 to 414418. It's a document
21 titled "Candidate Details," and it's in the
22 iRecruitment system.
23 So when I look at this document, I see
24 that the job is a QA manager job.
25 Do you see that under basic offer details

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1 give you an example, may be better to understand
2 before I ask the question.
3 So let's say the salary range for an M1
4 in 2018 was between \$5 and \$15. Two years have gone
5 by, it's now 2019, Oracle is doing another focal
6 process.
7 Does Oracle raise the amounts in its
8 salary ranges over time?
9 MR. SHWARTS: Objection. Overbroad. And
10 objection to the hypothetical.
11 You may answer.
12 BY MR. GARCIA:
13 Q Do you know?
14 A I do believe they change them.
15 Q Do you know why they change them?
16 A Again, I'm not an expert in this field.
17 It's not something that I'm involved in the process.
18 Q I just want to know what you know.
19 A I believe they look at like surveys of
20 other --
21 Q Of Oracle's competitors?
22 A -- competitors of other people in the --
23 in the industry.
24 Q So -- and so they change over time --
25 your understanding, they change over time as a

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1 on Page 1?
2 A I'm not sure. "QA manager." I see that.
3 Q Now I'm looking at the salary information
4 about two-thirds the way down the page on the left
5 side.
6 Do you see that?
7 A Yes.
8 Q And you see it has the compa-ratio of
9 69.61, correct?
10 A Uh-huh. Yes.
11 Q And it has a quartile of below range.
12 A Yes.
13 Q So this is an example of a person who was
14 hired into a job below the minimum of the salary
15 range.
16 MR. SHWARTS: Objection. Lack of
17 foundation.
18 MR. GARCIA: I'm just reading what the
19 document says.
20 MR. SHWARTS: He can't identify the
21 document. He's never seen it before. Has nothing
22 to do with him, so how can he --
23 MR. GARCIA: Okay.
24 MR. SHWARTS: How --
25 MR. GARCIA: I'll get to that.

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1 BY MR. GARCIA:
2 Q So on the second page, Bates stamp
3 No. 414415, there's a list of approvers, correct?
4 A Yes, I see a --
5 Q Okay.
6 A -- approvers, approver history.
7 Q Right.
8 And previously -- and I apologize if I
9 asked this before -- when you get information on the
10 screen that you review for an approval, it has what
11 quartiles and what compa-ratio and whether a
12 person's within or below the range, correct?
13 A Correct.
14 Q Okay. So my understanding of how the
15 approval history goes is that once a person approves
16 it, then the date and time of their approval is
17 noted in the system, correct?
18 A I believe so.
19 Q I don't want you to look at this
20 document. I just want to ask as a general --
21 A Yeah.
22 Q -- question.
23 Is that a correct understanding?
24 A I assume it is.
25 Q I don't want you to assume.

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1 Q You just don't recall?
2 A I don't recall specific cases. Yeah.
3 Q Did they ever ask you questions about how
4 high the compensation was?
5 A Yes.
6 Q Did they ever ask you questions about any
7 like a sign-on bonus or stock being in the --
8 A Yes.
9 Q Okay.
10 A How high that is, yes.
11 Q Okay. Do you know -- see, when I'm
12 looking at this document in the approval process
13 that's different from what I saw before -- before,
14 remember it had background check?
15 A Okay.
16 Q This one doesn't have background check.
17 Do you -- and this one is dated 2010.
18 A Okay.
19 Q Do you know -- so my question -- so with
20 that as a background, if Oracle hires someone within
21 the company to go from one job to another job or a
22 transfer, does it conduct a background check at that
23 time?
24 A You're talking transfer within Oracle?
25 Q Yes.

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1 A I'm not -- it's not something I pay
2 attention to.
3 Q Okay. So have you ever been asked any
4 questions about something that you have approved in
5 the past and someone would call up that you -- or
6 notify you that you approved a hiring on such and
7 such a date at such and such a time and why did you
8 do this or why did you do that?
9 A You're talking about in the approval
10 process or after the -- after it's been completed?
11 Q Any time, whether it's during the
12 approval process or after the approval process.
13 Has anyone gotten back to you about an
14 approval you made and asked you questions about it?
15 A Yes.
16 Q Okay. And do they use what information
17 was provided to you at the time that you approved
18 that they asked you questions about?
19 A Yes.
20 Q Did they ever ask you questions about
21 compensation?
22 A Yes.
23 Q Okay. Did they ever ask you questions
24 about how low a person's pay was for compensation?
25 A Maybe.

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1 A No. As far as I know, we don't.
2 Q Okay.
3 A Might be something I don't know about,
4 but as far as I know --
5 Q No, I'm just asking these questions
6 'cause that would explain why it's not here.
7 Another thing I see here that was not
8 before, it says corporate -- or "CORPCOMP," which I
9 interpret to be corporate compensation.
10 Do you know for an internal transfer
11 whether Oracle's corporate compensation is involved
12 in looking at the pay for an internal transfer?
13 MR. SHWARTS: Objection. Lack of
14 foundation.
15 You may answer.
16 THE WITNESS: I don't know if they're
17 involved.
18 BY MR. GARCIA:
19 Q Okay. It says "HR offers."
20 Do you know what "HR offers" is?
21 MR. SHWARTS: Objection.
22 (Simultaneous cross-talking.)
23 MR. SHWARTS: Lack of foundation.
24 You may answer.
25 THE WITNESS: Yeah, no.

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1 BY MR. GARCIA:
2 Q Okay. We're done with that document.
3 Thank you.
4 Oh, one last thing for that document I
5 just want to point out that the name on the document
6 is [REDACTED]
7 MR. GARCIA: Court reporter, can you
8 please mark the next document as 85?
9 THE REPORTER: 86.
10 (Exhibit 86 marked for identification.)
11 MR. GARCIA: Correct, 86. My error.
12 BY MR. GARCIA:
13 Q I would ask you if you can look at all
14 pages of 86 since the pages vary, and then I'll ask
15 you if you recognize the format of the pages.
16 A You say the format?
17 Q First I want you to look at all the
18 pages, and then I'm going to ask you a question. So
19 please let me know once you -- just look at them to
20 just get a general understanding of what's included.
21 A Okay.
22 Q So have you seen documents that are
23 similar to the documents that are Exhibit 86?
24 A I -- I have not.
25 Q It was represented to us that this came

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1 Do you know?
2 A I mean, exceeds expectations is a verbal
3 thing, but they -- they are performing well, yes.
4 Q Okay. And do you know what the -- if
5 someone had the highest, what that's called? Do you
6 know whether that's called outstanding?
7 A Could be.
8 Q Fair enough.
9 A Could be.
10 Q I just want to see --
11 A Yeah.
12 Q -- what you know.
13 So the last page of Exhibit 86, if you go
14 to the very last page -- no, keep going.
15 A That page -- okay.
16 Q Okay. That's salary history. And, in
17 fact, that's a page that I in fact blew up because
18 the information was small.
19 If you can look at Bates stamp numbered
20 Page 414387?
21 A Going back to a different page?
22 Q Yeah.
23 A 387. Okay.
24 Q So you see that page on it halfway down
25 the page has "Salary History"?

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1 from the personnel files of one of Oracle's
2 employees named [REDACTED].
3 I'm going to call your attention to Bates
4 stamp numbered Page 14384.
5 Are you at that page?
6 A Yes.
7 Q Okay. So with that page is the
8 performance, and it says there was a performance
9 review. It gives the date of that review of
10 June 1st, 2014 with the rating 4, exceeds
11 expectations.
12 Do you see that?
13 A Yes.
14 Q So previously you identified that Oracle
15 has a five-point scale in its performance evaluation
16 system?
17 A Correct.
18 Q And one being the lowest and five being
19 the highest, correct?
20 A Correct.
21 Q And four, then, would be the second
22 highest score?
23 A That's right.
24 Q And is it correct to say that someone
25 having a four, they are exceeds expectations?

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1 A Yes.
2 Q And then it has two -- about -- two sets
3 of rows going across?
4 A (No audible answer.)
5 Q And again, your eyes may be different
6 than my eyes, but you see in the first column, it
7 says, "Change date."
8 Do you see it says "October 1st, 2015"?
9 A Yes.
10 Q And then at the very last, it says
11 "September 1st, 2000" at the very bottom? It's the
12 second set.
13 A Okay. Yes, I see that.
14 Q Okay. So if you turn to the last page,
15 you see how that's just a blowup of the other page?
16 A Okay, I believe you.
17 Q Okay. So what I did is I blew it up to
18 make it easier to see, and I will represent if you
19 need time to -- to confirm that by looking at the
20 numbers, please do.
21 MR. SHWARTS: He's got no foundation to
22 answer questions --
23 THE WITNESS: Right.
24 MR. SHWARTS: -- about this anyway.
25 But go ahead.

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1 BY MR. GARCIA:
2 Q Okay. So when I look at the salary
3 history, I see in the Change Dates, October 2015.
4 Was there a focal review that resulted in
5 an increase in and around October of 2015?
6 MR. SHWARTS: Objection. Lack of
7 foundation.
8 THE WITNESS: I don't recall.
9 BY MR. GARCIA:
10 Q I'm just asking your general knowledge,
11 what you know.
12 A Yeah, I don't recall the exact dates of
13 these.
14 Q Very good. And so I'm just going to go
15 down the next two.
16 Do you remember if there was a focal
17 review that resulted in a salary increase in 16
18 November 2014?
19 A I don't recall the exact dates of these.
20 Q Do you recall if there was a focal review
21 in 2012 or 2013?
22 A I don't recall the exact dates of these.
23 Q Okay. I'm just going to do that.
24 Okay. So when I look at this person --
25 and if you remember on the previous exhibit when we

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1 salary range was [REDACTED], correct?
2 A Correct.
3 Q And if you go five columns to the left of
4 that, you see actual salary where she's making
5 [REDACTED] and something?
6 A Okay.
7 Q So now that I've given you background and
8 you've see it -- seen it -- I'm just going to say
9 one or two more background and then ask you
10 questions.
11 So for this person, their compa-ratio,
12 meaning their salary over the midpoint of the salary
13 times 100, actually decreased in the five years that
14 this person has been promoted.
15 Do you see that?
16 MR. SHWARTS: Objection. Lack of
17 foundation.
18 THE WITNESS: I'm not sure there's a
19 promotion in here at all.
20 BY MR. GARCIA:
21 Q No. She was promoted as a QA manager in
22 Exhibit 85.
23 MR. SHWARTS: Objection. Lack of
24 foundation.
25 MR. GARCIA: Okay.

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1 looked at her compa-ratio, it was 69.61.
2 MR. SHWARTS: Again, Counsel, this is not
3 something this employee -- this witness is familiar
4 with. It's not his employee.
5 MR. GARCIA: I understand that, Counsel.
6 I -- I will get to the point. It may take me
7 several questions to get there, but I will do that.
8 BY MR. GARCIA:
9 Q So when I look at the salary history
10 page, the person received three pay increases since
11 the 2010 promotion. They received a pay increase in
12 September of 2011, a pay increase in November 2014
13 and a pay increase in October 2015.
14 Do you see that?
15 A Yes, I do.
16 Q And if you would look towards the right
17 where it says "compa-ratio"? It's the second column
18 from the right?
19 A Yes.
20 Q And you see, then, in October of 2015,
21 her compa-ratio is 68.21.
22 Do you see that?
23 A Yes, I see that.
24 Q And if you would look to the left of that
25 two columns, you will see that the minimum of their

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1 MR. SHWARTS: Counsel, why -- why are we
2 spending time on this with Mr. Loaiza?
3 MR. GARCIA: Okay.
4 MR. SHWARTS: Why?
5 MR. GARCIA: We'll get to that in a
6 second. I just want to make sure that he has that
7 grounding first.
8 MR. SHWARTS: You're grounding him with
9 documents he's never seen before with an employee
10 that's not in his organization.
11 MR. GARCIA: I understand that.
12 THE WITNESS: Again, I'm not sure where
13 you see this promotion thing.
14 BY MR. GARCIA:
15 Q So the requisition is Exhibit 85 where
16 this person filled a QA2 manager job.
17 A You're talking about transfer?
18 Q Okay. You call it a transfer.
19 A Okay.
20 Q The person filled a -- a -- a job in 2010
21 where their compa-ratio was at 69.21. And then five
22 years later, in 2015, their compa-ratio is even
23 less.
24 A Okay.
25 Q So my question is, if you're not looking

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1 at compa-ratios and you're not looking at quartiles,
2 how does it know when a person is not getting paid
3 to make their pay above the minimum of the salary
4 range?
5 MR. SHWARTS: Objection. Lack of
6 foundation.
7 THE WITNESS: Say it again. I'm not sure
8 what the question is.
9 BY MR. GARCIA:
10 Q Okay. So you said that you don't look at
11 compa- -- compa-ratio.
12 A Right.
13 Q It's not important to you, right?
14 A Right.
15 Q And you said you don't look at quartiles,
16 and you don't even look at if a person is below the
17 minimum range of a salary range, correct?
18 A Correct.
19 Q So my question to you is, how does this
20 person's pay ever get changed so that they're at
21 least making the minimum for the salary range if
22 their compa-ratio, their quartile and their place in
23 the salary range is never looked at?
24 Do you have any idea?
25 MR. SHWARTS: Objection. Lack of

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1 four, five buckets and that's all we're going to
2 look at for you.
3 We're looking at way more nuance than
4 that.
5 Q Okay. Thank you.
6 You don't have to look at that exhibit
7 anymore.
8 Do you know anyone named [REDACTED],
9 [REDACTED]
10 A I don't believe so.
11 Q Do you know anyone -- well, strike that.
12 MR. GARCIA: Court reporter, can you
13 please mark the next document as Exhibit 87.
14 (Exhibit 87 marked for identification.)
15 THE REPORTER: Exhibit 87.
16 Q I don't know if I -- so you talked before
17 that one of the reasons why that there may be an
18 out-of-cycle salary adjustment is because someone is
19 leaving the company or someone is expressing
20 displeasure with their current compensation,
21 correct?
22 A I said they were threatening to
23 potentially leave the company, yes.
24 Q Okay. So I may have not spelled his name
25 correctly. Does -- do you know who the individual

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1 foundation. Improper hypothetical.
2 You may answer.
3 THE WITNESS: So what we look at is the
4 individual, their skills, their performance, their
5 experience and their market. And those are the
6 things that we look at.
7 And so we also have to look at our
8 budgets because we have a certain amount of budget.
9 Q And --
10 A A budget generally does not allow for,
11 you know, moving everyone to whatever value we might
12 want. We have a certain amount of money that we can
13 give out, and that's all the money we can give out.
14 There's also another factor which is that
15 budget has to be spread among a number of employees.
16 So we prioritize the ones that are the most --
17 performing the highest and are most important to the
18 organization to get them closer to what we believe
19 their market salary is.
20 Now, nothing in there said anything about
21 a compa-ratio or whatever because that's -- that's a
22 very broad average. It's kind of like averaging
23 human beings into four buckets or something.
24 There's a lot more nuance when we're looking at a
25 person than, hey, you're in this -- one of these

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1 who is being list -- or strike that.
2 Let me just say that Exhibit 87 is not --
3 is titled "Out of Cycle Salary Adjustment Proposal"
4 dated June 15th, 2015 for [REDACTED]
5 [REDACTED]. It's two pages from Bates stamp
6 No. 434971 to 434972.
7 So do you know the individual referenced
8 here?
9 A I don't recall this individual.
10 Q Okay.
11 Now, it identifies that they're proposing
12 to raise his salary from [REDACTED]
13 Do you see that?
14 MR. SHWARTS: Lack of foundation. I
15 don't know who is and who -- or "they" are in that
16 sentence.
17 MR. GARCIA: I -- I know because we
18 weren't given the accompanying e-mail that went with
19 this. I can only give what I have.
20 BY MR. GARCIA:
21 Q So you see it's a recommendation from
22 [REDACTED]?
23 A I see the document says that, yes.
24 Q Okay. So if you guys are given a budget
25 that you allocate during the focal review and you

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1 mentioned that because of competition or potential
2 to leave the company, someone may be given more
3 money, where does that money come from?
4 What budget does that come from?
5 **A** I don't know where that budget comes
6 from. It's not a budget that we're given. We don't
7 have a budget, let me put it that way.
8 **Q** Okay. Let me ask the question this way.
9 **A** I was never given an explicit budget,
10 more precisely.
11 **Q** Okay. Let me ask the question this way.
12 During the time in your organization, has
13 there ever been an out-of-cycle increase because
14 someone complained about their pay or threatened to
15 leave the company or had a competing job offer?
16 **A** Yes.
17 **Q** Okay. Was additional money provided to
18 that person because of those events?
19 **A** Sometimes.
20 **Q** So where did that money come from that
21 was provided because of those events?
22 **A** Came from Oracle Corporation.
23 **Q** Doesn't all money come from the Oracle
24 Corporation?
25 **A** Yes.

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1 **Q** -- under you, right?
2 **A** Yes.
3 **Q** But they all roll up to you, correct?
4 **A** Probably. Probably.
5 **Q** Okay. So what I'm trying to see is --
6 **A** Yeah, yeah.
7 **Q** -- what call center does --
8 **A** [Inaudible mumbling.]
9 **Q** -- does the additional money pay that a
10 person was given because of an off-cycle increase?
11 **A** Yeah. So in my particular case, I'm
12 giving a head count to a number of people. I'm
13 giving a salary raise budget, a bonus budget and a
14 stock budget. I'm not given a dollar budget for my
15 organization. I'm giving a head count and then
16 increase amounts during those focal processes.
17 **Q** Right. So what I'm trying to understand
18 is this. A person in your organization because of
19 the events we talked about, whether to prevent them
20 from leaving --
21 **A** Yes.
22 **Q** -- is given more money.
23 **A** Yes.
24 **Q** And I'm trying to -- I'm trying to find
25 where that money came from.

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1 **Q** So -- okay. So your budget -- your
2 budget to pay this person more money was increased,
3 correct?
4 **A** No, my budget was not increased,
5 actually. My budget was my budget that was given to
6 me, and that became some out-of-cycle thing that
7 came from somewhere.
8 **Q** Okay. So was this additional money that
9 was -- so you're saying your organization as a
10 result of an out-of-cycle increase never received
11 any more money or additional money to your budget,
12 correct?
13 **A** What I'm saying is the budget is for
14 raises, bonuses, all that kind of stuff. Anything
15 that's out of cycle there's not a specific budget
16 for.
17 **Q** Okay. So Oracle has cost centers, right?
18 **A** Yes.
19 **Q** And the people in your cost -- and the
20 people who are under you who are paid are paid out
21 of your cost center, correct?
22 **A** Not that simple. There's a lot of cost
23 centers under me.
24 **Q** There's a lot of cost centers --
25 **A** Yes.

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1 **A** Yes.
2 **Q** Can you tell me?
3 **A** No. I have a head count budget. I don't
4 have a dollar budget for the -- for the people. As
5 I say, you can have 200 and whatever people. It
6 doesn't say and the dollar amount is X.
7 **Q** So what I'm hearing you saying is
8 somewhere in Oracle beyond you --
9 **A** Yes.
10 **Q** -- is funding the additional in- -- pay
11 salary increase for the person who was paid more
12 money so they would not leave Oracle.
13 Is that a correct understanding?
14 **A** That's correct.
15 **Q** And what I'm also understanding from you
16 is you don't know what the name of that organization
17 is; is that correct?
18 **A** Yes, that's right.
19 **Q** I falsely assumed they would have
20 transferred you the money, but thank you for
21 clarifying.
22 **A** Again I had a, during this whole time,
23 had a head count budget. It's a people not a dollar
24 budget.
25 **Q** I will refer you back to this document if

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1 you could look again. And it says that they
2 proposed a wet promotion to [REDACTED] which would be
3 above his current [REDACTED], but that was not
4 approved.
5 So does that refresh your memory on what
6 a wet promotion is?
7 **A** Again, I -- it's not my -- not refreshing
8 my memory. It's not a term that we use at all,
9 so --
10 **Q** Okay. Again, I'm just --
11 **A** I understand what a wet promotion is.
12 **Q** I'm just going to ask you questions.
13 Is -- and I -- when I look at the first
14 paragraph, it talks about HR being involved during
15 their out-cycle increases.
16 Was HR involved in your out-of-cycle
17 increases in your organization?
18 **A** Yes.
19 **Q** And do they have to give any type of
20 approval?
21 **A** Yes, they do.
22 **Q** Do you know someone who has a nickname of
23 Madie?
24 **A** Yes.
25 **Q** Who is that?

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1 and I note that I have additional
2 employees who also face significant
3 salary compression." Unquote.
4 Did I read that correctly?
5 **A** Yes.
6 **Q** Now, I'm interested in the -- in the term
7 "salary compression."
8 Is that a term used at Oracle?
9 MR. SHWARTS: Objection. Overbroad.
10 You may answer.
11 THE WITNESS: I've heard that term used.
12 BY MR. GARCIA:
13 **Q** What was your understanding of that term
14 to mean?
15 **A** Salary compression generally means that
16 we feel that the person is underpaid relative to
17 market.
18 **Q** Do you feel that's the situation with
19 anyone in your organization?
20 **A** At any given time we will have some
21 individuals we feel are underpaid and some we don't.
22 **Q** Understand.
23 And is there a limiting factor for people
24 who you believe who are underpaid to get properly
25 compensated?

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1 **A** Madie is an HR manager that works with
2 our organization.
3 **Q** Is he -- she the HR business partner for
4 the project development line of business?
5 **A** I'm not sure what a business -- I'm not
6 sure what exactly the exact wording of it is.
7 **Q** Very good.
8 Is she involved in compensation and
9 out-of-cycle increases?
10 **A** Sometimes. Usually not directly.
11 Usually someone else is involved.
12 **Q** Do you see where it says justification?
13 It's in bold letters on the left side.
14 **A** Oh, this part. Okay.
15 **Q** Okay. If you go to the second paragraph
16 down where it says "In making this request" --
17 excuse me -- I'm just going to read it to you, then
18 ask a couple questions. I'm reading it to you to
19 focus on the questions that I will ask.
20 "In making this request, I note that I
21 tried to pull [REDACTED] salary up to
22 within band but this is difficult to do
23 with such significant salary
24 compression. I face a 'rob Peter to
25 reward Paul for a promotion' situation,

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1 **A** The budget.
2 **Q** And by "budget" --
3 (Simultaneous cross-talking.)
4 **A** -- budget.
5 **Q** -- you mean the budget that's allocated
6 to you for salary increases?
7 **A** That's correct.
8 **Q** Is there any other reason that you would
9 know of that would prevent you from paying people
10 what you think they should be paid according to the
11 market rate?
12 **A** Well, with unlimited budget, I'm sure we
13 would pay everyone to whatever we believe the market
14 rate is. So...
15 **Q** I -- I understand that.
16 What I'm trying to find out, is there any
17 other reason other than the budget that limits you
18 to pay someone according to what you believe that
19 market rate is?
20 **A** Like I said, if we had all the budget in
21 the world, we would pay everyone at least what we
22 consider the market rate is, so that would...
23 **Q** Okay. In your organization, do you also
24 face the prospect of robbing Peter to reward or pay
25 Paul situation where you have to make the choice of

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1 which individual is going to get a salary increase?
2 MR. SHWARTS: Objection. Lack of
3 foundation.
4 You may answer.
5 THE WITNESS: We have a raise budget, and
6 that budget is what we get to give out.
7 BY MR. GARCIA:
8 Q Okay.
9 A So every dollar I give to one person is a
10 dollar that everybody else in the organization is
11 not getting.
12 Q Okay. So before when we talked about who
13 that you would make increases to, you identify the
14 importance to Oracle of rewarding star performers
15 and giving them pay commensurate with the market
16 rate.
17 I -- did I understand that correctly?
18 A Yes, that's one of the factors --
19 Q Okay.
20 A -- important factors we look at.
21 Q Is that your first priority is to reward
22 the -- the star performers to make sure they get
23 commensurate with the market rate?
24 A Is that the first priority?
25 Q Is that the highest priority?

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1 there's a certain budget, and that budget, we try to
2 balance the top, the middle, the bottom with
3 emphasis on the top. But it doesn't go all to the
4 top and anything left next to this or anything
5 else --
6 Q That's what I was trying to determine --
7 A Yeah.
8 Q -- is, if -- do I satisfy the top, and
9 then --
10 A A hundred percent? No, we don't
11 necessarily satisfy the top 100 percent before
12 moving them.
13 Q That's what I was trying to figure out.
14 Thank you.
15 So is your priority, then, to make sure
16 that the top performers are satisfied but also
17 provide some money to people lower levels in the
18 ranking?
19 A Right. So the amount that we would try
20 depends on, you know, their -- their level of rating
21 and ranking, yes.
22 Q And the level of compensation you have
23 available?
24 A Yeah, the level budget we have available.
25 Q Right.

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1 A Yeah, I think probably, yeah, we need to
2 talk about -- make sure that our star performers are
3 paid, you know, relative to market so that they're
4 not looking to leave Oracle for compensation
5 reasons.
6 Q I understand why you would feel that way.
7 So my next question is, okay, after you
8 got those people satisfied, that you feel that your
9 star performers are being paid according to the
10 market rate, who do you look next to pay?
11 MR. SHWARTS: Objection. Assumes facts.
12 You may answer.
13 THE WITNESS: We look at the ratings and
14 rankings, and based on that, we prioritize how much
15 raise someone should get.
16 BY MR. GARCIA:
17 Q Okay. So it's the star performers. And
18 then after they're take -- do you first -- let me
19 ask this.
20 Do you first satisfy what you believe the
21 star performers should get, and then if there's
22 money left over, then allocate that to the other
23 people who are higher in the rankings?
24 A Just be careful that the -- the star
25 performers are not always satisfied either. I mean,

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1 A What we believe their -- their salary
2 compares to market salary. Notice, I didn't say
3 compa-ratio or anything else. It's how it compares
4 to market salary.
5 Q I -- I understand, and I did notice that.
6 Here's a question that I'm asking because
7 I don't understand.
8 When I look at Exhibit 87, it's
9 identifying that [REDACTED] is a very -- to me,
10 what I would call a star performer and he needs to
11 be. And Oracle did not have the budget during the
12 focal process to reward him in pay. But then during
13 the off-cycle salary adjustment, it gave him a
14 significant pay raise of 25 percent. And when I do
15 the math, that's like over \$ [REDACTED]
16 So that's what I'm trying to figure out
17 is, where did this money come from that it didn't
18 have during the focal -- and I know why because it
19 wasn't in the budget that was allocated. But where
20 did this pot of money come from that can suddenly
21 pay a person a raise of 25 percent of [REDACTED]?
22 MR. SHWARTS: Objection. Lack of
23 foundation.
24 BY MR. GARCIA:
25 Q Do you -- do you know?

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1 A I do not know where that money came from.
2 Q Okay.
3 A Nor do I know anything about this
4 individual or his manager or anything else.
5 Q For like an out-of-cycle process,
6 approvals, this person being a VP who received a
7 raise, would that follow -- do you know who would
8 have to approve that besides -- his boss, obviously,
9 a senior vice president, but do you know what --
10 strike that.
11 In your organization, when you had to
12 make out-of-cycle raises, who was the final
13 approver?
14 MR. SHWARTS: Objection. Overbroad.
15 You may answer.
16 BY MR. GARCIA:
17 Q I'm talking about the six years.
18 A Yeah. The final approver, I believe,
19 was -- goes through -- all the way up our hierarchy
20 through Thomas, Andy Mendelson, and then there's
21 something called court comp which also has to
22 approve, is the final approver.
23 Q Is court comp part of Larry Ellison's
24 org- -- compensation team?
25 A I don't know exactly whose compensation

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1 [REDACTED]?
2 A Yes, I do.
3 Q Is she in your organization?
4 A No, she's not.
5 Q Who's the VP of her organization?
6 A At this time of this document, I don't
7 know.
8 Q Who's the VP now?
9 A Well, the executive VP is Andrew
10 Mendelson.
11 Q Okay.
12 A Today.
13 Q Okay. Now, in this document, it talks
14 about that she makes [REDACTED] -- or, I'm sorry, [REDACTED]
15 now, right?
16 A Correct.
17 Q And they're asking for a [REDACTED],
18 correct?
19 A Correct.
20 Q And so that represents almost a
21 two-thirds pay increase, right?
22 A Something like that.
23 Q Right. Because if it was [REDACTED]
24 plus [REDACTED] is two-thirds --
25 A Right.

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1 team that is.
2 Q Okay. Very good.
3 Let me ask this question. Is there a
4 particular name that's given when you're trying to
5 prevent somebody from leaving the company to give --
6 to go to a competitor?
7 A I'm sorry, a particular name?
8 Q Yeah, a particular reference to a term
9 that Oracle uses to try to keep a person in Oracle
10 and not go to a competitor.
11 A It's sometimes referred to as a dive and
12 save.
13 Q Thank you. Thank you. That's the title
14 of my next document.
15 A Okay.
16 THE REPORTER: Exhibit 88.
17 (Exhibit 88 marked for identification.)
18 MR. GARCIA: Eight, yes.
19 Court reporter, can you please mark the
20 next document as Exhibit 88. Thank you.
21 Q So the next document is entitled "Request
22 for Dive-and-Save Salary Adjustment," Bates stamp
23 No. 437898 to 437701. Requestor is [REDACTED]
24 [REDACTED] It's made on behalf of [REDACTED]
25 Do you know anyone by the name of [REDACTED]

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1 Q -- [REDACTED].
2 A Okay. Sounds good.
3 Q That's a substantial pay increase, right?
4 A Yes, I would agree with that.
5 Q Have you ever seen a pay increase that
6 high before?
7 MR. SHWARTS: Objection. Overbroad.
8 BY MR. GARCIA:
9 Q In your organization.
10 A Percent?
11 Q Yeah, percent.
12 A I don't recall one that large.
13 Q Okay. Now, is this "dive-and-save" term
14 a common term at Oracle?
15 A It's a common informal term.
16 Q Is there a formal term with this process?
17 A It's salary adjustment.
18 Q And we have, actually, both terms in the
19 title of this: Request for Dive-and-Save Salary
20 Adjustment.
21 I apologize if I asked you this question
22 before. So the times that you were a senior vice
23 president -- or strike that.
24 Say in the last six years, how many
25 off-cycle adjustments, salary adjustments, have you

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1 been involved with, estimate? Trying to get a feel
2 of the numbers. 200? 100? 50? Ten?
3 Can you give me a reference?
4 **A** Okay. So I have to divide this into two
5 pieces because I mentioned before that for many
6 years we didn't do salary changes as part of
7 promotions.
8 **Q** Right. So -- right.
9 **A** In the last year or so, we've -- we've
10 started doing that --
11 **Q** Okay.
12 **A** -- so it's become more common.
13 **Q** So I -- okay. So I'm going to exclude
14 the last year.
15 **A** Okay.
16 **Q** So I'm going to go when you were senior
17 vice president --
18 **A** Yes.
19 **Q** -- from 2013 to when you be- -- to that
20 last year, we'll say -- we'll say December 31st,
21 2017, estimate, how many off-cycle adjustments did
22 you do? Estimate.
23 **A** Estimate, I would probably do maybe --
24 estimate, maybe one a month.
25 **Q** Okay. And --

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1 **A** Out of about that time maybe five or 600
2 people.
3 **Q** Understand.
4 So let's say that you did -- so I'm
5 counting five years, 12 months, 60, going from 2013
6 to the end of 2017, just -- just to have a frame of
7 reference, how many of those were approved?
8 **A** Probably most of them.
9 **Q** Okay.
10 **A** Yeah.
11 **Q** Would it be fair to say like 75 percent
12 of them, at least 75 percent?
13 **A** Probably at least 75 percent, yes.
14 **Q** Okay. Again, just trying to get a
15 feel --
16 **A** Yes.
17 **Q** -- of how many there are and what's the
18 degree of approval.
19 And once again, it notes that her current
20 salary is below the minimum of the salary band,
21 correct?
22 **A** It says that in the document, yes.
23 **Q** So remember when I asked you, you know,
24 was -- does it happen that a person's direct reports
25 are actually making more money than the person is?

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1 And so what this document identifies is
2 that, in the very first paragraph under "Proposal,"
3 her direct reports are making █ to █ percent more
4 than she is.
5 Do you see that?
6 **A** I see that on the document, yes.
7 **Q** What would cause that to happen?
8 MR. SHWARTS: Objection. Lack of
9 foundation.
10 BY MR. GARCIA:
11 **Q** Do you know?
12 MR. SHWARTS: Lack of foundation.
13 THE WITNESS: I don't know this
14 particular case, and I don't even know who reports
15 to her.
16 BY MR. GARCIA:
17 **Q** Fair enough. Let me ask you this.
18 In your organization, have you ever seen
19 a situation where a manager's direct reports were
20 making █ percent or more than the manager was?
21 **A** Probably, yeah.
22 **Q** So in your -- the situations in your
23 organization, what would have caused that?
24 **A** Generally would be direct reports are
25 much more senior. Direct reports have special

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1 skills. The manager's relatively junior. Something
2 along those lines.
3 **Q** Okay. Thank you for providing me that
4 information.
5 Oh, I have to ask my favorite question.
6 Anything else?
7 **A** I'm sure there is other things.
8 **Q** Anything else that you recall? How about
9 that?
10 **A** Well, there's a lot of reasons why
11 someone's compensation might be low or high.
12 **Q** No, I'm talking where --
13 **A** Yeah.
14 **Q** -- a person's direct report --
15 (Simultaneous cross-talking.)
16 **A** Yeah, so then that would cause that.
17 **Q** -- is at least █ percent --
18 THE REPORTER: One at a time. Really
19 bad.
20 THE WITNESS: Sorry.
21 THE REPORTER: Okay. Let's try that
22 question one more time, Counsel.
23 BY MR. GARCIA:
24 **Q** So what I'm asking for -- seeking is, are
25 there any other reasons why a person's direct

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1 reports could -- could be making more than
2 █ percent that you've experienced in your
3 organization?
4 **A** I think the other reasons would be the
5 manager's compensation is particularly low or the
6 direct report's compensation is particularly high,
7 would be another reason. And there's a number of
8 reasons why that could happen.
9 **Q** Such as?
10 **A** Someone's compensation being particularly
11 low would be because they were never quite -- we
12 never had enough budget to bring them to where we
13 think they should be.
14 **Q** Anything else?
15 **A** They were transferred from some other
16 organization at a very low salary would be another
17 reason.
18 **Q** Any other reason?
19 **A** Why else would somebody's salary be low?
20 They have proved themselves to be much
21 more -- you know, much higher performance than we
22 believed at the time we hired that person, and so
23 our estimate of what they're worth has gone way up.
24 That would be another reason.
25 **Q** And when you were talking about why a

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1 **A** Both. It could be either verbal or -- or
2 written.
3 **Q** Okay. Does it tend to be one more than
4 the other?
5 **A** I couldn't say. There's not one dominant
6 one.
7 **Q** That's what I was trying to --
8 **A** Yeah.
9 **Q** -- to ascertain.
10 THE REPORTER: Exhibit 89.
11 (Exhibit 89 marked for identification.)
12 MR. GARCIA: So Exhibit 89 is a string of
13 e-mails. Subject line at various points are
14 Dive-and-Saves for █ -- I spell the last name
15 █. Has Bates No. ORACLE_HQCA 432004 to
16 432006.
17 Are you familiar with █?
18 **A** I don't know him. Never heard of him.
19 **Q** Are you familiar with Meg Bear?
20 **A** No.
21 **Q** Are you familiar M as a first name and
22 then C-H-E-R-U-V-U?
23 **A** Yes.
24 **Q** Is that Madie?
25 **A** Yes.

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1 person who reports to them would be high, you talked
2 about skills, particular skill set, their
3 experience.
4 Anything else?
5 **A** Yeah. I mean, similar reasons, it might
6 be, you know, they're transferred from some other
7 organization at a higher salary. They might -- we
8 might have hired them thinking their performance
9 would be higher than it's turned out to be.
10 They might have had -- we might have had
11 to give them a very large increase because we had a
12 competitive offer for them.
13 **Q** Okay. Thank you.
14 **A** Those are other potential reasons.
15 **Q** No, I just wanted to know that.
16 So you mentioned that one of the reasons
17 why Oracle may pay someone more during an off-cycle
18 salary adjustment is they have complained about how
19 much pay they were receiving and maybe they're
20 looking elsewhere, correct?
21 **A** Correct.
22 **Q** Now, are these communications typically
23 in writing? Are they orally? How have people
24 complained to you in the past regarding not making
25 enough money?

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1 **Q** And obviously you're familiar with Thomas
2 Kurian.
3 Are you familiar with someone named
4 Patricia C-U-R-E-T-O-N?
5 **A** No.
6 **Q** How about Jody Galbraith?
7 **A** No.
8 **Q** Okay. So this is another dive-and-save,
9 and you see that in the subject heading in the
10 middle e-mail, first page?
11 **A** Yes.
12 **Q** Okay. And then at the bottom of the
13 first page, Bates-stamped No. 432004, it indicates
14 they're looking for an off-cycle increase of
15 █, which is 22 percent increase in pay,
16 correct?
17 **A** Yes, that's what the document says.
18 **Q** Okay. Now, if you go to the second page,
19 432005, you see in black -- I mean, bolded, it says:
20 "If approved, Steve will have █ left
21 in his dive-and-save budget."
22 **A** Yes, I see where it says that.
23 **Q** Was there an executive vice president
24 named Steve in Thomas Kurian's product development
25 organization in 2014?

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1 **A** I'm assuming this refers to Steve
2 Miranda.
3 **Q** Okay. So do you know if Steve Miranda
4 had a dive-and-save budget?
5 **A** I don't know.
6 **Q** Okay. I'm just trying to see --
7 (Simultaneous cross-talking.)
8 **MR. GARCIA:** Apologize for talking over
9 you.
10 **A** Okay.
11 **Q** Trying to see if maybe that refreshed
12 your memory about a dive-and-save budget?
13 **MR. SHWARTS:** Objection. There was
14 never -- there's no need to refresh his memory on
15 that point. And certainly not on anything that
16 Steve Miranda had.
17 **BY MR. GARCIA:**
18 **Q** So under the part where it talks about
19 Steve having [REDACTED] left in this dive-and-save budget,
20 it indicates that this person was in the first
21 quartile, correct?
22 **MR. SHWARTS:** Objection. Lack of
23 foundation. Document says what it says.
24 **MR. GARCIA:** Okay.
25 **BY MR. GARCIA:**

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1 it says five, outstanding, yes.
2 **Q** That's what the document says.
3 **A** Yeah, right.
4 **Q** I want to know if it refreshes your
5 memory that if in fact that is true?
6 **A** Yeah, five is -- you know, like one of
7 the terms that's used for that is outstanding, yes.
8 **Q** Okay. Thank you.
9 Now, you're currently an EVP now. And
10 again, congratulations for that promotion.
11 Do you have a dive-and-save budget?
12 **A** I do not.
13 **Q** May have to talk to Steve about why he
14 has one and you don't. Very good.
15 And Steve Miranda in 2014 was an
16 executive vice president, correct?
17 **A** I don't know what his title was at that
18 time.
19 **Q** He is one now, correct?
20 **A** Yes, he is now.
21 **Q** So I'm going to go back to -- you see
22 under "Dive-and-save justification," there's a
23 horizontal line about 3 or 4 inches underneath it?
24 **A** In the same page?
25 **Q** Right here (indicating).

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1 **Q** You can answer the question.
2 **A** I see where the document says that, yes.
3 **Q** Okay. Thank you.
4 I'm going to refer you down to -- see
5 where it says "Dive-and-save justification"?
6 **A** Yes.
7 **Q** And about 12 or 13 lines underneath that,
8 you'll see the word "Outstanding"? Just go straight
9 down from the word "dive."
10 **A** Okay, I see it.
11 **Q** Okay. So I'm going to read that
12 sentence. It says, quote:
13 "Performance rating has consistently
14 been outstanding in the last five
15 years." End quote.
16 Did I read that correctly?
17 **A** Yes.
18 **Q** And up above, it says: "Current rating
19 five," and then it goes "Outstanding"?
20 **A** Yes.
21 **Q** So does that refresh your memory in terms
22 of if a person has a five performance evaluation
23 rating that it's referred to as an outstanding
24 evaluation?
25 **A** Yeah, I think that -- well, in this case

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1 Do you see that?
2 **A** Yes.
3 **Q** Okay. And right above that line, I'm
4 going to -- there is a word, it's like four lines
5 up, it says, "In summary."
6 Do you see that towards the right-hand
7 side of the page?
8 **A** Yes.
9 **Q** Okay. I'm just going to read it, then
10 ask you a question about it.
11 **MR. SHWARTS:** We don't have to read it.
12 He can -- he can read it to himself. We only waste
13 time reading.
14 **MR. GARCIA:** I'm going to put it into the
15 record, Counsel, to make sure it's clear.
16 **BY MR. GARCIA:**
17 **Q** Quote:
18 "In summary, [REDACTED] has been on our radar
19 for correction for the past few years.
20 He has been very dedicated,
21 professional, real team player and been
22 patiently waiting for a meaningful
23 correction to get him close to the
24 market rate." End quote.
25 Did I read that correctly?

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1 **A** Yes.
2 **Q** Do you have --
3 MR. SHWARTS: Okay. You know how to
4 read. Let's go.
5 MR. GARCIA: Thank you.
6 BY MR. GARCIA:
7 **Q** Do you have people in your organization
8 that you're waiting to make a correction to move
9 them to the market rate?
10 MR. SHWARTS: Put the document aside. It
11 has nothing to do with the document.
12 Answer the question he asked, which is
13 the only thing --
14 THE WITNESS: We have people that we
15 consider below market compensation, yes.
16 BY MR. GARCIA:
17 **Q** Can you estimate how many those people
18 are? Again, ballpark figure. Is it five? Is it a
19 thousand? Is it 200? I'm just trying to get a
20 feel, rough feel.
21 MR. SHWARTS: Objection. Overbroad.
22 Vague. Ambiguous.
23 THE WITNESS: At this point maybe --
24 BY MR. GARCIA:
25 **Q** At this point in time as you just did the

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1 focal review.
2 **A** Maybe 40 to 50 percent, somewhere in that
3 range.
4 **Q** Okay. So in these last couple documents
5 we looked at, a person provided the justification to
6 get more money for an off-cycle increase.
7 Is there anything stopping you as an
8 executive vice president if you see that 40 or
9 50 percent of your people need more money to bring
10 them to the market rate during the focal review
11 going to your boss and saying: I need more money?
12 MR. SHWARTS: Objection to the predicate.
13 You can answer his question.
14 THE WITNESS: There's nothing stopping me
15 from saying that, no.
16 BY MR. GARCIA:
17 **Q** Okay. Would -- if you asked for more
18 money, would you ever get more money?
19 MR. SHWARTS: Objection to the
20 hypothetical.
21 You may answer.
22 THE WITNESS: It could happen, yes.
23 BY MR. GARCIA:
24 **Q** Have you ever tried to ask for more
25 money?

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1 **A** Yes, I have.
2 **Q** And what was the response to you?
3 MR. SHWARTS: Objection. Overbroad and
4 compound.
5 You may answer.
6 THE WITNESS: Sometimes I have gotten
7 more money, sometimes I haven't.
8 BY MR. GARCIA:
9 **Q** Which one is more often than not?
10 MR. SHWARTS: Objection. Vague.
11 You may answer.
12 THE WITNESS: I think it's some more
13 money is probably more common.
14 BY MR. GARCIA:
15 **Q** Okay. Do you ever get enough?
16 MR. SHWARTS: Objection. Vague.
17 You may answer.
18 THE WITNESS: I would not be at 40,
19 50 percent below compensation if I'd gotten enough.
20 BY MR. GARCIA:
21 **Q** Fair enough.
22 Like I said, there is some that I have to
23 answer -- ask and dah, dah, dah.
24 MR. GARCIA: Okay, my last exhibit. I'm
25 sorry, you got two more.

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1 THE REPORTER: Ninety.
2 MR. GARCIA: Court Reporter, can you
3 please mark the next document as Exhibit 90.
4 (Exhibit 90 marked for identification.)
5 **Q** So the document at Exhibit 90 concerns
6 another salary adjustment request.
7 MR. GARCIA: Can I see the document
8 that's been marked?
9 Counsel, I will represent that this
10 document is run Bates stamp No. 433359 to 43364 -- I
11 apologize, part of the Bates stamp number got cut
12 off during copying.
13 BY MR. GARCIA:
14 **Q** So as before, I'm going to ask you
15 questions about this document, about what it says,
16 and then I'm going to apply them to your
17 organization.
18 Do you know a person named Heidi
19 B-I-E-L-A-N-S-K-I?
20 **A** Where is that one?
21 **Q** It's in the cc in the first e-mail.
22 **A** I. Yeah, I don't believe so.
23 **Q** Okay. So if you look at the very top
24 e-mail, the "To" the different people like Steve
25 Miranda, Mr. David Vap, Meeten B-H-A-V-S-A-R, do you

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1 know any of those three people -- you know Steve
2 Miranda.
3 **A** I know Steve Miranda. I know Meeten.
4 **Q** What is -- do you know what level Meeten
5 is at? Is he a --
6 **A** This is 2015?
7 **Q** Yeah. Was he --
8 **A** Maybe VP.
9 **Q** Would be at least a vice president?
10 **A** I don't know. I really don't know.
11 **Q** Okay. Would he at least be a senior
12 director?
13 **A** Likely.
14 **Q** Okay?
15 **A** Likely, but I don't really know his
16 title.
17 **Q** Okay. Very good.
18 So in the middle of the e-mail, you know,
19 where it says Mad- -- do you see where it says Madie
20 in the middle of the first page, "See dive and save
21 details below"?
22 **A** Yes.
23 **Q** So this is another dive-and-save e-mail,
24 correct?
25 **MR. SHWARTS:** Objection. Lacks

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1 means.
2 **MR. SHWARTS:** No question. There's no
3 question.
4 **THE WITNESS:** Yeah.
5 **BY MR. GARCIA:**
6 **Q** So once again, if you look on the bottom
7 of the Page 433360, it says:
8 "Janet has been compressed for several
9 years now."
10 And that goes back to salary compressed
11 or comprehension means that managers in Oracle do
12 not believe that people are -- are being paid
13 according to the market, correct?
14 **MR. SHWARTS:** Ignore the document. Just
15 answer his question. Object to the predicate. Lack
16 of foundation of the document.
17 Just answer his question.
18 **THE WITNESS:** You have to repeat the
19 question.
20 **BY MR. GARCIA:**
21 **Q** So I'm going to turn the page to the
22 second page at 3660.
23 Do you -- are you on that page?
24 **A** Yes.
25 **Q** So do you see where it says "Dive and

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1 foundation.
2 You may answer.
3 **THE WITNESS:** Well, it says it's
4 "dive-and-save details below," so yeah, it looks
5 like a dive and save, yeah.
6 **BY MR. GARCIA:**
7 **Q** So what I want to look at is continuation
8 of that sentence. It says, quote:
9 "Seems during transfers, we had some
10 poor decisions by manager who were
11 losing the people to transfers."
12 And I'll go ask you later, but does that
13 ring a bell of anything that your organization has
14 experienced that you got people transferred to it
15 that had low salaries?
16 **A** Suggests we had poor decisions by
17 managers who were losing. I'm not sure what that
18 means at all.
19 **Q** Okay. Very good.
20 **A** I have no idea what that means.
21 **Q** I don't know if that was a common
22 occurrence and didn't know whether you had something
23 like that.
24 **MR. SHWARTS:** Ignore his question.
25 **THE WITNESS:** I'm not even sure what it

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1 save justification," after the numbers towards the
2 top?
3 **A** Yes.
4 **Q** Okay. So first sentence, Janet's been --
5 quote:
6 "Janet's been compressed for several
7 years now."
8 So does Oracle, in addition to using the
9 term "salary compression," also say that a person's
10 pay has been compressed when that person's pay is
11 below what they should be paid according to the
12 market?
13 **MR. SHWARTS:** Objection. Overbroad.
14 He's not a 30(b)(6) witness. You're asking what his
15 personal understanding is?
16 **MR. GARCIA:** Yes.
17 **MR. SHWARTS:** All right. Objection.
18 Still overbroad and lacks foundation.
19 You may answer.
20 **THE WITNESS:** Probably, yeah, I'm sure
21 compressed is a term that people use.
22 **BY MR. GARCIA:**
23 **Q** Okay. So then I want to go to -- see
24 where -- in that same paragraph, do you see where
25 the term -- or the word "first" is?

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1 **A** Yes.
2 **Q** Okay. So I'm just going to read it, then
3 ask you a question.
4 "First, her lack of job hopping has
5 worked against her over the last 18
6 years." Unquote.
7 Do you know what the term "job hopping"
8 means in that context?
9 MR. SHWARTS: Objection. Lack of
10 foundation.
11 MR. GARCIA: Let me start all over.
12 BY MR. GARCIA:
13 **Q** So "job hopping," is that a term that's
14 been used in your organization?
15 **A** Could be.
16 **Q** Have you ever heard that term before?
17 **A** I've heard that term, yes.
18 **Q** And when you heard that term, what was
19 your understanding of the meaning of that term?
20 **A** It's changing jobs.
21 **Q** Is that changing jobs within Oracle or
22 changing jobs outside of Oracle?
23 **A** Could be either one.
24 **Q** Okay. So I'm going to ask -- I'm going
25 to tell you what I've heard and ask you if you have

313

1 Is that true or false?
2 **A** I'm sure that's happened. I'm not sure
3 that that's in general true.
4 **Q** Okay. Has that --
5 **A** There are people we never take back.
6 **Q** Understand.
7 Has that ever happened in your
8 organization?
9 **A** Likely, yes, I'm sure that's happened.
10 **Q** Okay.
11 **A** It's a large organization.
12 **Q** So now I'm going to ask you a question
13 that's related to the document, but you do not have
14 to look at the document to answer. But don't put it
15 away because I will ask you more questions.
16 Do situations occur at Oracle where a
17 software developer, or a person, is working in
18 support of one organization but in terms of whose
19 paid it -- pay is controlled by another
20 organization?
21 MR. SHWARTS: Objection. Overbroad.
22 You may answer.
23 BY MR. GARCIA:
24 **Q** I'm talking about the last six years.
25 I'm talking about Redwood Shores --

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1 heard something similar to that: That if people
2 want to get a significant salary increase, they have
3 to get a job offer from another company.
4 Is that incorrect?
5 MR. SHWARTS: Just because he's said he's
6 heard that doesn't mean it's true.
7 BY MR. GARCIA:
8 **Q** Right. I'm asking you --
9 MR. SHWARTS: He's asking through the
10 back end of the question if that's --
11 THE WITNESS: It's false.
12 BY MR. GARCIA:
13 **Q** That's false.
14 And why do you believe that that's false?
15 **A** Because we give people significant
16 compensation changes all the time in the focal
17 process.
18 **Q** Okay. I'm going to ask a similar
19 question. I'm going to state what I've heard and
20 then ask you if it's true or false.
21 I've heard that a way to get a
22 significant increase is actually to leave Oracle for
23 a period of time, like couple years, and then come
24 back to Oracle, and Oracle will look at their
25 current salary and pay you above that.

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1 MR. SHWARTS: In his organization.
2 BY MR. GARCIA:
3 **Q** -- and your personal knowledge.
4 MR. GARCIA: In his organization.
5 MR. SHWARTS: Yeah. Related to your
6 organization, if you know.
7 THE WITNESS: To a degree. I would say
8 to a degree, that can happen.
9 BY MR. GARCIA:
10 **Q** Okay.
11 **A** It wouldn't be purely for someone else's
12 organization. It might be partially in support of
13 some other organization.
14 **Q** Okay. So I'm -- I'm going to have you
15 read the third page -- I want you to look at the
16 third page of Exhibit 90. See where it says "Longer
17 answer," top of the first page?
18 **A** Yes.
19 **Q** Okay. So I'm going to look at the
20 last -- read -- read the whole -- read the whole
21 paragraph to yourself, and please let me know once
22 you're done.
23 **A** Okay.
24 **Q** Okay. So I'm going to -- I'm going to
25 read into the record just the "At" portion, and then

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1 I'm going to ask you a question. Quote:
2 "At the level of fixing a problem,
3 there was no real motivation for the EM
4 execs to correct someone working on MOS
5 given it was hard enough to correct
6 everyone working on projects you were
7 directly responsible for."
8 Did I read that correctly?
9 **A** Yes.
10 **Q** Okay. So has that happened in your
11 organization where someone who's supporting you's
12 pay is controlled by someone else who is not
13 properly compensating the people who are supporting
14 you?
15 **MR. SHWARTS:** Lack of foundation.
16 Assumes facts.
17 He's asking whether that's something
18 like -- it's not assumed that happened here. Just
19 he's asking whether that --
20 **THE WITNESS:** Someone that's, quote,
21 outside of my organization who's supporting my
22 organization is getting underpaid, I -- I wouldn't
23 know what they got paid if they're not in my
24 organization.
25 **BY MR. GARCIA:**

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1 **MR. SHWARTS:** Right.
2 **MR. GARCIA:** Right.
3 **MR. SHWARTS:** That's why -- that's why I
4 made my objection.
5 **BY MR. GARCIA:**
6 **Q** Right.
7 So I'm asking you, do you know, not
8 counting -- or strike that. Let me ask the question
9 a different way.
10 Was the amount of money you received in
11 the focal review that was in 2019, was it more or
12 less money than the previous focal review?
13 **A** 2019?
14 **Q** Right.
15 **A** Yes.
16 **Q** So was it more money than the one that
17 was conducted in 2017 or '18?
18 **A** Yes.
19 **Q** Was it significantly amount -- strike
20 that. I can't talk.
21 Was it a significantly amount of more
22 money or just maybe a couple 10,000, hundred
23 thousand more?
24 **MR. SHWARTS:** Objection. Vague.
25 You may answer.

319

1 **Q** Okay. Fair enough.
2 So below that, it states:
3 "Thanks, Meeten."
4 Do you see that, where it states those
5 words?
6 **A** Yes.
7 **Q** Okay. So if I go -- see the paragraph
8 that begins with the "So, the question"?
9 **A** Yes.
10 **Q** So I'm going to read that and then ask
11 you a question about the 2015 focal review.
12 "So, the question I will have to answer
13 is that the pool last year was decent,
14 though I don't know what you got, why
15 did Janet not get corrected more this
16 pass round?"
17 Do you remember if the focal review in
18 2014 was -- had a decent pool of money to correct
19 people's salaries?
20 **MR. SHWARTS:** Objection to lacks
21 foundation. Assumes facts.
22 He's asking whether in your organization
23 you had that issue.
24 **THE WITNESS:** Are you asking that, 'cause
25 this is referring to Steve Miranda's organization.

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1 **THE WITNESS:** Significantly more.
2 **BY MR. GARCIA:**
3 **Q** Was there any reason why there was a
4 significant amount of money? Did someone explain
5 that to you?
6 **MR. SHWARTS:** Objection. Vague.
7 You may answer.
8 **THE WITNESS:** There was never a formal
9 explanation given, but we did lobby for more given
10 that we believed that we were under market.
11 **BY MR. GARCIA:**
12 **Q** So if I've put together several parts of
13 your testimony today, you -- you received a
14 significant, greater salary allocation in the
15 current -- or in the 2019 focus process, but after
16 that, still 40 to 50 percent of your people are not
17 being paid according to the market?
18 **A** Yes, I would say that's roughly right.
19 **Q** Okay. I'm trying to get a -- a grapple
20 on what "significant" is. Some people may think
21 100,000 more may be significant. Some people may
22 make, say, 2 million more significant.
23 Can you give me an -- can you communicate
24 to me an understanding of what it was, how much it
25 was, that caused you to say it was significant?

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1 **A** You're saying compared to the previous
2 year, how much more was this year?
3 **Q** Yes.
4 **A** Raised budget?
5 **Q** Yeah.
6 **A** We have to back up because I have a
7 number of organizations this year that I did not
8 have last year.
9 **Q** Can you tell me for the organization
10 comparison of when you were an SVP, that
11 organization, and how much more it got this year?
12 **A** It's probably at least █ percent more.
13 **Q** Okay. I'm just looking for a ballpark.
14 **A** Yes.
15 **Q** Okay. Thank you.
16 Okay. Getting close to the end.
17 To your knowledge --
18 **A** Done with this one?
19 **Q** I'm done with that one.
20 To your knowledge, has Oracle ever
21 analyzed the pay of any groups of its employees
22 based on gender?
23 **MR. SHWARTS:** Objection. Overbroad.
24 You may answer.
25 **BY MR. GARCIA:**

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1 and said we analyzed the pay of your organization
2 based on race and we want you to make changes?
3 **A** I don't recall that either.
4 **Q** Okay. Now I can ask a series of
5 questions using different terms like "audit" and
6 "reviewed," but I'll -- if I -- if I would ask the
7 same question with the word audit versus analyzed,
8 would it change your answer?
9 **A** No.
10 **Q** Both for race and gender, right?
11 **A** Correct.
12 **Q** And if I use the same question and I
13 change the word from analyze to review, both for
14 race and gender, would it change your answer?
15 **A** No.
16 **Q** Okay. You saved a lot of questions that
17 way.
18 Same set of questions. So to your
19 knowledge, has Oracle ever reviewed the pay or
20 audited the pay or analyzed the pay of anyone based
21 on that person being of the Asian race --
22 **MR. SHWARTS:** Objection.
23 **BY MR. GARCIA:**
24 **Q** -- in your organization in the last six
25 years?

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1 **Q** I'm talking about the last six years.
2 **A** I -- I haven't seen any such analysis.
3 **Q** Okay. And again, I'm talking about the
4 last six years. I will first ask you about Oracle.
5 If you indicate yes, then I will ask you also about
6 your -- your knowledge for your organization.
7 Same question except I'm changing it for
8 race. To your knowledge, within the last six years,
9 has Oracle ever analyzed the pay of any of its group
10 of employees based on race?
11 **MR. SHWARTS:** Objection. Overbroad.
12 You may answer.
13 **BY MR. GARCIA:**
14 **Q** To your knowledge.
15 **A** I've never seen anything.
16 **Q** Have you ever heard of anything?
17 **A** No.
18 **Q** Has anyone ever come to you and said,
19 we've analyzed the pay for -- based on gender for
20 our organization, and these are the changes that
21 your organization should make, anytime in the last
22 six years?
23 **A** I don't recall that.
24 **Q** Has anyone -- same question, flip it for
25 race. Has anybody in the last six years come to you

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

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1 In the last six years, has Oracle every
2 audited, reviewed or analyzed the pay of anyone in
3 your organization in the last six years based on
4 gender?
5 **A** Not to my knowledge.
6 **MR. GARCIA:** Okay. Last document. And
7 you don't have to mark anything. It's Exhibit 52.
8 So while he's reviewing the document, I'm
9 just going to quickly give a summary for the record.
10 It's a document, an Oracle document, titled "Manager
11 Training, Compensation Process for Global Corporate
12 Bonus & Infusion Workforce Compensation." It has a
13 Bates stamp No. 56242, and because it was a native
14 file, then it has dash the page numbers which go
15 from one to 56.
16 (Exhibit 52 previously marked for identification.)
17 **Q** Please let me know once you're done
18 reviewing the document.
19 **A** Okay.
20 **Q** Have you ever seen the document at
21 Exhibit 52 before?
22 **A** No.
23 **Q** Okay. I want you to turn to Page 48.
24 Do you recall seeing any of the -- during
25 the focal process anything that's pictured in

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1 Ellison."
2 Have you ever recalled seeing that?
3 **A** I don't recall seeing that.
4 **Q** Okay. But previously you remember seeing
5 something that said -- I thought you said, said
6 approved by Larry Ellison when we were talking about
7 initials?
8 **A** Well, there's things that I've seen
9 approved by Larry Ellison. Not this.
10 **Q** Okay.
11 **A** I don't think I've --
12 **Q** You've seen that phrase, but you haven't
13 seen it as it's pictured in this slide on Page 48,
14 correct?
15 **A** Correct, not that I recall.
16 **Q** Okay. So -- I got two pages left.
17 So previously we talked about that you
18 received training on sexual harassment and sexual
19 discrimination, correct?
20 **A** Yes.
21 **Q** Did you receive any training that
22 specifically said "affirmative action"?
23 **A** Yes.
24 **Q** How often do you receive that training?
25 **A** I couldn't tell you how often. I get so

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1 Exhibit 52, Page 48?
2 **A** Does it look like that?
3 **Q** Yeah.
4 **A** This is a cut-off view of something.
5 **Q** I can only give you what Oracle has given
6 me.
7 **A** Yeah. Yeah, I would say something
8 similar to that. I can't say that 'cause this was
9 from five years ago.
10 **Q** Understand.
11 **A** So yeah.
12 **Q** Do you see where it says in red -- I'm
13 just going to read it:
14 "Do not communicate" in red.
15 Or quote:
16 "Do not communicate any changes until
17 'last approval action' shows 'approved
18 by Larry Ellison."
19 Have you ever seen anything like that in
20 any of the focal processes that you have been
21 involved with?
22 **A** I don't recall seeing that.
23 **Q** Okay. Do you recall, on the right-hand
24 side, it says:
25 "Last approval action approved by Larry

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1 much training, after a while, it blurs together.
2 **Q** Do you remember anything from that
3 training about affirmative action?
4 **A** Yes.
5 **Q** What do you remember?
6 **MR. SHWARTS:** Objection. Asked and
7 answered. You took care of this before lunch, but
8 you can answer again.
9 **THE WITNESS:** About affirmative action,
10 that there is underrepresented minorities, that we
11 try to increase our recruitment for those, and that
12 we have special programs to advance their careers
13 and help them.
14 **BY MR. GARCIA:**
15 **Q** Do you remember any affirmative action
16 training related to compensation?
17 **MR. SHWARTS:** Objection. Asked and
18 answered.
19 You may answer again.
20 **THE WITNESS:** Yes. In the compensation,
21 it says to avoid any discrimination based on similar
22 things, so affirmative action -- directly
23 referencing affirmative action.
24 **BY MR. GARCIA:**
25 **Q** Did you receive any other training

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1 that -- other than what you mentioned today
2 regarding compensation?
3 **A** You're talking about with reference to
4 affirmative action?
5 **Q** Yes.
6 **A** I don't recall anything other than do not
7 discriminate.
8 **Q** Have you taken any affirmative action
9 training regarding compensation regarding pay
10 disparities between groups of people based on race?
11 **A** No, I do not recall anything like that.
12 **Q** Have you received any affirmative action
13 training related to compensation about pay
14 differences between groups of people in the same
15 groups? So we'll say like PT1, right?
16 Do you know what PT1 is?
17 **A** No.
18 **Q** Have you ever heard of the PT1 job group?
19 **A** No.
20 **Q** Understand.
21 **A** Yeah.
22 **Q** So let's say software developers, they
23 have different titles like Software Developer 1 up
24 to Software Developer 6, right?
25 **A** Correct.

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1 affirmative action and compensation relating to pay
2 differences between different groups in the same
3 organization?
4 **A** Not specifically, just that do not
5 discriminate.
6 **Q** Okay. And you knew when you were
7 answering that question that the different groups
8 could be people in different races and people --
9 **A** Yes.
10 **Q** -- with different genders, correct?
11 **A** Correct.
12 **Q** I've asked you a lot of questions today.
13 Is there anything that you think I should know that
14 I haven't asked?
15 **MR. SHWARTS:** Objection. Overbroad.
16 Vague. Ambiguous.
17 **MR. GARCIA:** I just want to give you the
18 opportunity to talk about it.
19 **MR. SHWARTS:** There's no -- there's no
20 real question pending.
21 **THE WITNESS:** I think we've covered a lot
22 of material, so...
23 **MR. GARCIA:** Okay. Well, I thank you for
24 your time. I am done at this point unless I --
25 unless you do some direct.

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1 **Q** So have you received any training
2 regarding people in the same group but of different
3 gender comparing the pay disparities between those
4 two groups related to affirmative action and
5 compensation?
6 **A** No, I don't recall that.
7 **Q** So I'm saying disparate instead of
8 dispatience.
9 **THE REPORTER:** That's a rough draft.
10 **BY MR. GARCIA:**
11 **Q** Okay. So I may not have artfully stated
12 the question, so I'm just going to state them once
13 again. And once we're done with that, then I think
14 we're done for the day.
15 So when I talk about groups, I mean the
16 groups are in the same organization. And when I
17 talk about the groups, I mean the groups can be
18 different races, like Hispanics, like Caucasian,
19 like blacks, like Asians, or there could be two
20 groups between the male gender and the female
21 gender.
22 So that as a background and a setup, I'm
23 going to ask the questions again just to make sure
24 that I'm clear on that point.
25 Did you take any training relating to a

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1 **MR. SHWARTS:** I -- I have no questions.
2 **MR. GARCIA:** Okay. So do you want to do
3 a sign?
4 **MR. SHWARTS:** Whatever we've been doing.
5 I think this is the first --
6 **MR. GARCIA:** Offensive depo -- or
7 defensive depo.
8 **MR. SHWARTS:** We didn't talk about it at
9 the end of -- at the end of Ms. Westerdoll's
10 deposition.
11 **MR. GARCIA:** Right.
12 **MR. SHWARTS:** So whatever -- whatever the
13 standard process --
14 **MR. GARCIA:** So we've been doing a wait
15 and sign, and so Oracle, you'll be working with your
16 counsel to review the transcript that the court
17 reporter did, and you will have the opportunity to
18 make changes. Any changes that you do make, I will
19 have the ability to comment on them since they are
20 changes not that are done that I don't have the
21 ability to ask questions in continuance of the
22 deposition.
23 **MR. SHWARTS:** Meaning, if you make
24 substantive changes, like changing a yes answer to a
25 no answer versus correcting a spelling.

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1 MR. GARCIA: Yeah. I wouldn't correct a
 2 spelling.
 3 So, Counsel, I am -- I am done. Before
 4 we go -- so we can go off the record, unless you
 5 want to continue.
 6 THE VIDEOGRAPHER: Okay, I will go ahead
 7 and conclude.
 8 This concludes today's deposition of Juan
 9 Loaiza on June 14th, 2019, which consists of five
 10 media files. The original media files will remain
 11 in the custody of Gradillas Court Reporting.
 12
 13 (TIME NOTED: 4:18 p.m.)
 14
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1 I, the undersigned, a Certified Shorthand
 2 Reporter of the State of California, do hereby
 3 certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place herein set forth;
 6 that any witnesses in the foregoing proceedings,
 7 prior to testifying, were duly sworn; that a record
 8 of the proceedings was made by me using machine
 9 shorthand, which was thereafter transcribed under my
 10 direction; further, that the foregoing is a true
 11 record of the testimony given.
 12 I further certify I am neither financially
 13 interested in the action nor a relative or employee
 14 of any attorney or party to this action.
 15 IN WITNESS WHEREOF, I have this June 26,
 16 2019 subscribed my name.
 17
 18
 19
 20
 21 _____
 22 ASHLEY SOEVYN
 23 CSR No. 12019
 24
 25

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1 I, JUAN LOAIZA, do hereby declare under
 2 penalty of perjury that I have read the foregoing
 3 transcript; that I have made any corrections as
 4 appear noted, in ink, initialed by me, or attached
 5 hereto; that my testimony as contained herein, as
 6 corrected, is true and correct.
 7 _____ I have made corrections to my deposition.
 8 _____ I have NOT made any changes to my deposition.
 9
 10 EXECUTED this _____ day of _____,
 11 20____, at _____,
 12 (City) (State)
 13
 14
 15 _____
 16 JUAN LOAIZA
 17
 18
 19
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 21
 22
 23
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1 ERRATA SHEET
 2 Deposition of: JUAN LOAIZA
 3 Date taken: JUNE 14, 2019
 4 Case: OFCCP, etc. vs. ORACLE AMERICA, INC.
 5 PAGE LINE
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 7 REASON: _____
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 9 CHANGE: _____
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 25 REASON: _____
 Signed _____
 Dated _____

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