

Paul J.

US DEPT OF LABOR
ADMIN LAW JUDGES
WASHINGTON, DC

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

2017 FEB 24 AM 9: 52

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

ORACLE RESPONSE TO NOTICE OF DOCKETING

Defendant Oracle America, Inc. ("Oracle") submits this response to the Notice of Docketing issued in this matter on January 25, 2017. As set forth in Oracle's Answer to the Amended Complaint, filed on February 8, 2017, Oracle denies that the relevant time period for this Action is January 1, 2013 to the present. Rather, Oracle contends the relevant time period for the recruiting and hiring claims is January 1, 2013 through June 30, 2014, and the relevant time period for the compensation claims is January 1 – December 31, 2014. Oracle has not yet completed its investigation of the alleged claims. Therefore, Oracle reserves its right to supplement these responses after engaging in discovery and further investigation of the claims. Subject to the foregoing, Oracle responds as follows.

I. WITNESS LIST

Oracle may call the following witnesses to support its defenses in this matter:

- A. Management and other current and former Oracle employees who can testify regarding Oracle's non-discriminatory compensation practices, including with respect to females, in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores location during the relevant time period.

- B. Management and other current and former Oracle employees who can testify regarding Oracle's non-discriminatory compensation practices, including with respect to African Americans and Asians, in the Product Development job function at Oracle's Redwood Shores location during the relevant time period.
- C. Management and other current and former Oracle employees who can testify to facts and details regarding which Oracle employees were, and were not, similarly situated within the Product Development, Support, and Information Technology job functions at the Redwood Shores location during the relevant time period.
- D. Management and other current and former Oracle employees who can testify regarding Oracle's non-discriminatory hiring and recruiting processes, including with respect to African American, Hispanic, and White applicants, in the Professional Technical 1, Individual Contributor ("PT1") job group and Product Development job function at Oracle's Redwood Shores location during the relevant time period.
- E. Management and other current and former Oracle employees who can testify to facts and details regarding the job duties, responsibilities, skills and qualifications of Oracle employees in the PT1 job group and Product Development job function at the Redwood Shores location during the relevant time period.
- F. Management and other current and former Oracle employees who can testify regarding Oracle's compliance with, and responses to, OFCCP's requests for data and information during the OFCCP's compliance evaluation leading up to the present Amended Complaint.
- G. Current and former employees of the U.S. Department of Labor involved as decision-makers leading up to the Amended Complaint, including OFCCP employees and members of its regional team involved with the OFCCP's compliance evaluation, Notice of Violation, purported conciliation efforts and

other interactions with Oracle involving Oracle's headquarters in Redwood Shores, CA.

H. Current and former employees of Oracle and of the U.S. Department of Labor as may be relevant to one or more of Oracle's affirmative defenses.

I. Expert witnesses.

II. RELATED PROCEEDINGS

At this time, Oracle is not aware of any other proceeding that is related to or may affect the progress of this case.

III. SUITABLE LOCATION

The parties have conferred and agree that San Francisco, California is the preferred and most appropriate location for the trial of this case. The OFCCP initiated the investigation from its office in San Francisco, California. The documents and witnesses that Oracle may use in its defense are primarily located in Redwood Shores, California. The San Francisco Office of Administrative Law Judges courtroom is located at 90 Seventh Street, San Francisco, but Oracle is amenable to exploring other suitable trial locations in San Francisco.

IV. LENGTH OF TRIAL

While difficult to evaluate at this early stage, Oracle estimates a minimum trial length of 15 to 20 days for the liability (Stage 1) phase.

///

///

///

///

///

///

///

///

V. EXCHANGE OF DOCUMENTS AND EXHIBITS

Oracle will exchange copies of proposed documents and exhibits prior the hearing, according to a schedule set by the court.

February 24 2017

Respectfully submitted,

GARY R. SINISCALCO
ERIN M. CONNELL



ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.com
econnell@orrick.com
Attorneys For Defendant
ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On February 24, 2017, I served the interested parties in this action with the following document(s):

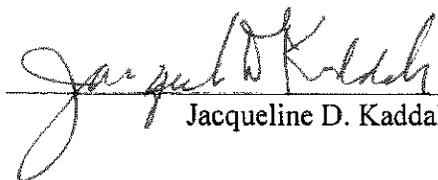
ORACLE RESPONSE TO NOTICE OF DOCKETING

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769
Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 24, 2017, at San Francisco, California.



Jacqueline D. Kaddah

Kaddah, Jacqueline D.

From: Kaddah, Jacqueline D.
Sent: Friday, February 24, 2017 8:33 AM
To: pilotin.marc.a@dol.gov; Bremer.Laura@dol.gov; eliasoph.ian@dol.gov;
miller.jeremiah@dol.gov
Cc: Siniscalco, Gary R.; Connell, Erin M.
Subject: RE: OFCCP v. Oracle America, Inc.
Attachments: Oracle Response to Notice of Docketing.pdf

Dear Counsel:

Attached please find Oracle Response to Notice of Docketing

Jacqueline D. Kaddah

Senior Paralegal

Orrick
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669 ☎
T +1-415-773-5558
jkaddah@orrick.com

