

# **EXHIBIT H**

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**From:** Alinder, Zachary J.  
**Sent:** Thursday, May 14, 2009 4:58 PM  
**To:** 'Elaine Wallace'  
**Cc:** Greg Lanier; Jason McDonell; Scott Cowan; Joshua L Fuchs; Jane L Froyd; Hann, Bree; Howard, Geoff; House, Holly  
**Subject:** RE: Deposition dates

Elaine,

We will represent both Ms. Diehl and Mr. Andersen at their depositions. For Ms. Diehl, please choose two of the following three dates that I can offer her -- June 5, 8 and 15; the deposition will take place in Denver. Next, Mr. Andersen can be available for deposition in Silicon Valley on June 10. Further, while Mr. San Juan's availability is extremely limited in June, he can be available for deposition in Silicon Valley on June 19, and in addition, if questions arise about General Ledger issues in the interim (e.g. burden), he may be available, through Nitin Jindal, to help provide clarification before June 19 depending on the timing and complexity of the issue. As for Ms. Harms-Campbell, we do not see any relevance outside of the partner issues that were previously raised by you in your prior motion to compel. Following that motion to compel, Defendants were granted very limited partner discovery, not including the deposition that you sought by motion. If you have some other non-partner area that you wish to question her about, please let us know what that is, and we will consider whether to make her available for deposition.

As for your eleventh hour requests for Oracle to schedule 9 additional individual depositions, we object on the grounds that the proposed depositions would be unduly burdensome and present virtually impossible scheduling difficulties given the current case schedule. Discovery has been open for two years; Defendants could have sought any of these depositions months ago. This last minute barrage thus is unreasonable. Moreover, yesterday's list includes several senior level personnel and many non-California based personnel which further complicates scheduling: Robin Henslee is the Senior Director of Support Policies and Strategy and lives in Atlanta, GA; Michael Van Boening lives in Denver CO; Douglas Kehring is a Senior VP of Corporate Development and Strategic Planning and is a key player in Oracle's Sun acquisition effort; Uwe Lueck operates out of and lives in Germany; Chuck Rozwat is the Executive Vice President of Product Development; Edward Abbo is the Senior Vice President of Applications Development; Keith Block is the Executive Vice President, North American Sales and lives and works in Burlington, MA; Judith Sim is Senior Vice President and Chief Marketing Officer. Recall how many months it took before we got dates from you for Defendants' senior witnesses and/or to arrange where their depositions would take place. Finally, Elizabeth Del Ferro is EMEA Partner Management Director for JDE and located in Denver, CO. Similar to Denise Harms-Campbell, we oppose Ms. Del Ferro's deposition on the additional ground that it appears she is being sought purely for irrelevant and wasteful partner-related questioning. Despite the difficulty, as a compromise, we will do our best to schedule another three of the nine individual deponents before the current June 19 cutoff date. Please identify your preferences and we can see if we can get them despite the tight turn-around. Obviously, if there is an extension granted, we can meet and confer on scheduling of additional deponents.

With regard to the extremely onerous eleventh hour 30(b)(6) deposition notice you sent on May 11, there also is absolutely no reason why Defendants could not have sought such testimony months ago. Indeed, 30(b)(6) testimony is supposed to be a preliminary exercise to further refine the facts -- not a last minute "gotcha" exercise. Moreover, several of these topics have been testified to extensively by various Oracle witnesses; Defendants could have asked other Oracle witnesses knowledgeable on these topics but didn't. If Oracle were to comply with this incredibly burdensome and overbroad notice, Oracle would have to prepare and provide multiple witnesses on most topics -- some of whom Defendants have already deposed and many of whom are from out of state. To determine the appropriate candidates, prepare them, accommodate all their schedules (as well as the schedules of the attorneys given the multiple already scheduled depositions) before June 19 is literally impossible. Oracle will serve its formal objections per the Federal Rules but, absent significant curtailment of the notice, anticipates motion practice and Court intervention will be required. Given that Defendants would not produce 30(b)(6) witnesses on highly relevant topics such as Siebel (and the Court did not order such testimony despite its clear relevance and the timeliness of the request), Oracle hopes that Defendants will re-evaluate this notice.

We look forward to your response.

Best regards,  
Zac

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**From:** Elaine Wallace [mailto:ewallace@JonesDay.com]  
**Sent:** Wednesday, May 13, 2009 8:50 PM  
**To:** Alinder, Zachary J.; Hann, Bree; Howard, Geoff; House, Holly  
**Cc:** Greg Lanier; Jason McDonell; Scott Cowan; Joshua L Fuchs; Jane L Froyd  
**Subject:** Deposition dates

Counsel,

As requested on our meet and confer on Monday, please let us know the status of your efforts to locate Treasure Diehl and Jesper Anderson, including providing last known addresses for them. We have been waiting for dates for them since March and, given the current discovery cut off, cannot afford to wait any longer. If you have been unable to locate them or have located them but they are uncooperative, please let us know by Friday whether you object to us contacting them ourselves via subpoena.

Please also provide a status update on Alex San Juan and Denise Harms-Campbell. On Monday, you said that Mr. San Juan was on vacation but you would be able to give us a proposed date for his deposition. You also indicated that you may object to producing Ms. Harms-Campbell. If so, please let us know by Friday so that we can arrange any further meet and confer and, if necessary, raise the issue in the next Joint Discovery Statement due on May 19.

Finally, we request proposed dates for the following individuals: Robin Henslee, Michael Van Boening, Douglas Kehring, Uwe Lueck, Chuck Rozwat, Edward Abbo, Elizabeth Del Ferro, Keith Block, and Judith Sim.

Regards,

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