

# **EXHIBIT 12**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, ET AL, \*  
Plaintiffs, \*  
VS. \* CASE NO. 07-CV-01658 (MJJ)  
SAP AG, ET AL, \*  
Defendants. \*

\*\*\*\*\*

HIGHLY CONFIDENTIAL

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF

CATHERINE LEE HYDE

APRIL 1, 2008

\*\*\*\*\*

REPORTED BY:

CAROL JENKINS, CSR, RPR, CRR

CERTIFICATE NO. 2660

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 6

16:18:35 1  
16:18:36 2  
16:18:40 3  
16:18:43 4  
16:18:45 5 Q. (By Mr. Howard) Who is your current employer?  
16:18:48 6 A. TomorrowNow.  
16:18:49 7 Q. How long have you worked there?  
16:18:50 8 A. Since October of 2002.  
16:18:52 9 Q. What is your current position there?  
16:18:56 10 A. Senior PeopleSoft developer.  
16:19:01 11 Q. Has that changed since 2002 when you started?  
16:19:05 12 A. I didn't have a title when I really started. I  
16:19:08 13 was developer.  
16:19:09 14 Q. Have you had any other titles other than senior  
16:19:14 15 PeopleSoft developer?  
16:19:15 16 A. Informally, lead developer.  
16:19:17 17 Q. What are your job responsibilities as senior  
16:19:27 18 PeopleSoft developer?  
16:19:28 19 A. I work on any fix that's related to HR payroll.  
16:19:37 20 Q. Anything else?  
16:19:42 21 A. I assist PSEs if they need help in resolving an  
16:19:50 22 issue. And generally, that's what I do.  
16:19:54 23 Q. Have those responsibilities changed since you  
16:19:56 24 began employment at TomorrowNow?  
16:19:58 25 A. In 2002, I was the third employee. I had a lot

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 7

16:20:03 1 more responsibility. I did various jobs then.

16:20:08 2 Q. You were the third employee at TomorrowNow?

16:20:10 3 A. Yes.

16:20:10 4 Q. Where were you employed before TomorrowNow?

16:20:15 5 A. I was an independent consultant for a while.

16:20:19 6 Q. And how about before you were an independent

16:20:26 7 consultant?

16:20:26 8 A. PeopleSoft.

16:20:27 9 Q. What were the dates of your employment at

16:20:29 10 PeopleSoft?

16:20:30 11 A. 1995, July, I think, to March of 2000.

16:20:38 12 Q. Did you work in supporting PeopleSoft software

16:20:45 13 as an independent consultant when you left PeopleSoft?

16:20:49 14 A. Yes.

16:20:49 15 Q. Did you work for a company as a consultant?

16:20:58 16 A. No.

16:20:58 17 Q. How would you get work?

16:21:01 18 A. I knew people in Europe. I was working in

16:21:06 19 Europe at the time.

16:21:08 20 Q. As a developer at TomorrowNow, have you worked

16:21:14 21 in developing products for modules other than HR

16:21:21 22 payroll?

16:21:23 23 A. Not that I remember. I mean, there's off

16:21:26 24 chance I did maybe one or two things for financials.

16:21:29 25 Q. Is it fair to say that HR payroll is your

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 8

16:21:33 1 specialty?

16:21:33 2 A. Yes.

16:21:34 3 Q. Who do you report to at TomorrowNow?

16:21:39 4 A. Rod Russell.

16:21:41 5 Q. What's his position?

16:21:44 6 A. Manager of North America development.

16:21:48 7 Q. Who did you report to in -- prior to the

16:21:53 8 litigation was filed in March of 2007?

16:21:59 9 A. For three months I don't think I had a manager,

16:22:04 10 so I would have been reporting directly to Shelley. But

16:22:07 11 prior to that, Barbara Meyrick.

16:22:19 12 Q. Now, you understand you're here today as a

16:22:34 13 corporate representative for TomorrowNow?

16:22:36 14 A. Yes.

16:22:36 15 Q. And you're here in response to the deposition

16:22:43 16 notice which has been marked as Exhibit 32? I've shown

16:23:05 17 you what's been marked as Exhibit 32. Are you familiar

16:23:07 18 with that document?

16:23:08 19 A. Yes.

16:23:09 20 Q. And you understand you're here to testify in

16:23:12 21 response to certain topics identified in that notice?

16:23:18 22 A. Yes.

16:23:19 23 Q. What did you do to prepare for your deposition?

16:23:27 24 A. I researched in SAS and Backtrack, and I also

16:23:34 25 talked to several people that still work at TomorrowNow.

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 34

17:06:23 1

17:06:23 2

17:06:24 3

17:06:31 4

17:06:36 5

17:06:37 6

17:06:38 7

17:06:39 8

17:06:41 9

Q. And do you know which clients had the exact

17:06:45 10

same environment on 7.51C?

17:06:48 11

A. Yes.

17:06:48 12

Q. Which ones were those?

17:06:50 13

A. Heritage Valley, Universal Studios, Bear

17:06:56 14

Stearns, and Norwegian Cruise Lines.

17:07:04 15

Q. So if I understood your prior testimony, is it

17:07:07 16

the case that the 8828 fix would have been individually

17:07:13 17

tested in one of those four 7.51C environments prior to

17:07:19 18

the bundle generation process?

17:07:22 19

A. In normal circumstances, yes.

17:07:26 20

Q. Would it ever be tested in the other three

17:07:29 21

environments before it was delivered to the customers?

17:07:33 22

A. If their version was different, yes.

17:07:36 23

Q. Well, I'm just -- I'm just now referring to the

17:07:39 24

four that you identified who -- who had identical

17:07:43 25

environments.

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 35

17:07:44 1 A. They only had one environment amongst the four  
17:07:47 2 of them. They were previously extended support clients.  
17:07:52 3 It's probably still extended support clients. And by  
17:07:56 4 extended support, I mean they pay maintenance.

17:08:00 5 Q. And so when you say they only had one  
17:08:02 6 environment between the four of them, what does that  
17:08:05 7 mean?

17:08:05 8 A. They shared an environment, HR751CSS.

17:08:12 9 Q. I see. So the -- the 8828 fix would have been  
17:08:18 10 tested in the HR751CSS environment and then delivered to  
17:08:27 11 Heritage Valley, Universal City Studios, Norwegian  
17:08:32 12 Cruise Lines and Bear Stearns?

17:08:36 13 A. Yes.

17:08:43 14

17:08:45 15

17:08:55 16

17:08:57 17

17:08:59 18

17:09:03 19

17:09:05 20

17:09:06 21

17:09:07 22

17:09:08 23

17:09:15 24

17:09:19 25

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 54

17:46:37 1  
17:46:39 2  
17:46:39 3  
17:46:39 4  
17:46:46 5  
17:46:46 6  
17:46:51 7  
17:46:55 8  
17:47:05 9  
17:47:08 10  
17:47:13 11  
17:47:15 12  
17:47:20 13  
17:47:23 14  
17:47:24 15  
17:47:27 16  
17:47:30 17  
17:47:33 18  
17:47:37 19  
17:47:41 20  
17:47:45 21  
17:47:46 22  
17:47:51 23  
17:47:55 24  
17:47:57 25

Q. Which 8.1 environment was used to create the



CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 55

17:48:56 1 retrofits that are reflected by these various HG751  
17:49:03 2 environments?

17:49:04 3 MR. McDONELL: Assumes facts not in  
17:49:09 4 evidence.

17:49:09 5 A. It would be some of the ones on the next page  
17:49:22 6 that start HR810 and end in the year and the alpha  
17:49:29 7 character.

17:49:31 8 Q. (By Mr. Howard) The last one being HR81007A?

17:49:41 9 A. Yes. Although, that one may not have been  
17:49:43 10 used.

17:49:45 11 Q. And so is it -- is it the case, then, that  
17:49:59 12 HR8.1 environments were used to create retrofit updates  
17:50:03 13 for the HG751 clients?

17:50:07 14 A. Extended support, yes.

17:50:11 15 Q. And looking at the list of HR8.1 environments,  
17:50:23 16 it appears that the first one is HR801FM. Do you see  
17:50:27 17 that on page 4 of Exhibit 75?

17:50:35 18 A. Yes.

17:50:35 19 Q. Do you know what environment that is?

17:50:39 20 A. I -- I asked some of my co-workers, and we  
17:50:43 21 couldn't -- I don't think we could really identify that  
17:50:46 22 one.

17:50:46 23 Q. So is the first HR8.1 environment on Exhibit 75  
17:50:55 24 that -- that you can identify as being used in the  
17:50:56 25 retrofit process the HR81003C environment?

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 56

17:51:01 1 A. I believe so.

17:51:02 2 Q. And do you know which client software was used

17:51:08 3 to create that environment?

17:51:11 4 A. It could have been any one of our current

17:51:14 5 clients at that time.

17:51:17 6 Q. Any one of your HR8.1 clients at that time?

17:51:20 7 A. No. It could have been a 702 or a 751 client.

17:51:24 8 As they were paying maintenance, they would have had the

17:51:27 9 CDs and access to anything related to it.

17:51:32 10 Q. Is there any way to find out which customers'

17:51:36 11 CDs were used to create that HR8.1 environment?

17:51:42 12 A. Not that I'm aware of.

17:51:43 13 Q. Do you know who created the HR81003C

17:51:48 14 environment?

17:51:49 15 A. John Baugh and I did.

17:51:53 16 Q. And similar to the HG751 environments, is it

17:52:00 17 the case that starting with HR81003C through HR81007A

17:52:08 18 that those are all -- those all originated from the same

17:52:17 19 environment that's reflected by HR81003C?

17:52:26 20 A. Yes.

17:52:26 21 Q. And is it the case that with each successive

17:52:32 22 iteration of the HR81003 environment beginning with

17:52:37 23 003C, that download -- downloaded updates would be

17:52:42 24 obtained from Customer Connection and applied to the

17:52:45 25 environment?

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 57

17:52:46 1 A. Tax update.

17:52:47 2 Q. Which customer's login credential was used to  
17:52:57 3 obtain the downloaded tax updates that were applied to  
17:53:00 4 each successive version of the HR81003 environment?

17:53:04 5 A. I can only say the one that I used, and that  
17:53:07 6 would be Bear Stearns. But I think that was pretty  
17:53:11 7 commonly used.

17:53:13 8 Q. Of the one -- of the -- of the HR81003  
17:53:17 9 environments listed here, for how many of them were you  
17:53:20 10 responsible for updating with the new tax update from  
17:53:26 11 Customer Connection using the Bear Stearns ID?

17:53:29 12 A. I couldn't tell you how many I did. I did some  
17:53:32 13 of them.

17:53:33 14 Q. Half, more than half?

17:53:40 15 A. It depended on who was up late at night when it  
17:53:43 16 came out.

17:53:46 17 Q. And by that, you mean when PeopleSoft issued  
17:53:50 18 that particular tax update and posted it on Customer  
17:53:54 19 Connection?

17:53:54 20 A. Correct.

17:53:59 21 Q. What's the latest release that was used to  
17:54:29 22 create -- by latest I mean in -- in -- by version.  
17:54:32 23 What's the latest version that was used to create a  
17:54:37 24 retrofit update for a TomorrowNow customer?

17:54:40 25 A. 81.

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

Page 58

17:54:49 1 Q. And which earlier releases were used to deliver  
17:55:04 2 retrofit updates using the 8.1 environments? So, for --  
17:55:14 3 for example, you said the HR81 releases were used to  
17:55:20 4 develop retrofit updates for the HG751 customers?

17:55:24 5 A. Correct.

17:55:29 6 Q. Were the 81 releases used to create retrofit  
17:55:32 7 updates for the HR751 customers?

17:55:37 8 A. Yes.

17:55:37 9 Q. Were the HR81 environments used to create  
17:55:42 10 retrofit updates for the HR702 customers?

17:55:48 11 A. In a way.

17:55:50 12 Q. What do you mean by that?

17:55:52 13 A. We would first do the retrofit for 75, and then  
17:55:57 14 we would actually compare our prior 75 to our current  
17:56:02 15 75.

17:56:04 16

17:56:11 17

17:56:12 18

17:56:17 19

17:56:20 20

17:56:24 21

17:56:28 22

17:56:35 23

17:56:35 24

17:56:38 25

CATHERINE LEE HYDE April 1, 2008

HIGHLY CONFIDENTIAL

1 SUBSCRIBED AND SWORN TO by the undersigned  
2 on this the 7th day of April, 2008.

3  
4 Carol Jenkins  
CAROL JENKINS, CSR

5 Certificate No. 2660  
Date of Expiration: 12/31/08  
6 Merrill Legal Solutions, No. 210  
315 Capitol Street, Suite 100  
7 Houston, Texas 77002  
(713) 426-0400

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, ET AL, \*  
Plaintiffs, \*  
VS. \* CASE NO. 07-CV-01658 (MJJ)  
SAP AG, ET AL, \*  
Defendants. \*

\*\*\*\*\*

HIGHLY CONFIDENTIAL  
ORAL AND VIDEOTAPED 30(b)(6)  
DEPOSITION OF  
CATHERINE LEE HYDE  
VOLUME 2  
APRIL 2, 2008

\*\*\*\*\*

REPORTED BY:  
CAROL JENKINS, CSR, RPR, CRR  
CERTIFICATE NO. 2660

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 103

08:44:17 1

08:44:22 2

08:44:22 3

08:44:26 4

08:44:26 5

Q. All right. Going back up a few rows to

08:44:36 6

H702RHIM, do you see that environment?

08:44:40 7

A. Yes.

08:44:40 8

Q. Do you know what the purpose of that

08:44:41 9

environment is?

08:44:41 10

A. It's a 702 environment for Robert Half.

08:44:45 11

Q. And do you know whether that environment was

08:44:46 12

used to support other customers?

08:44:48 13

A. It definitely wasn't.

08:44:51 14

08:44:58 15

08:45:01 16

08:45:02 17

08:45:03 18

08:45:06 19

08:45:09 20

08:45:09 21

08:45:14 22

08:45:17 23

08:45:17 24

08:45:33 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 116

09:18:30 1

09:18:35 2

09:18:39 3

09:18:42 4

09:18:45 5

09:18:50 6

09:18:55 7

09:18:55 8

09:19:01 9

09:19:06 10

09:19:06 11

09:19:12 12

09:19:14 13

09:19:19 14

Q. And further down the list, there's an HR702REP.

09:19:28 15

A. Yes.

09:19:28 16

Q. And was HR702REP used to replicate issues for

09:19:33 17

HR702 clients?

09:19:37 18

A. Yes.

09:19:37 19

Q. What happened, then, if you were successful in

09:19:47 20

replicating an issue in one of the replication

09:19:50 21

environments?

09:19:51 22

MR. McDONELL: Overbroad, vague and

09:19:53 23

ambiguous.

09:19:53 24

A. When we were doing the extended support model,

09:19:59 25

if it was replicated, we tracked it and we would



CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 117

09:20:03 1 determine whether we were going to provide a fix for  
09:20:05 2 that issue or not.

09:20:07 3 Just because we replicated it doesn't mean  
09:20:09 4 we would actually provide a fix. We would attempt to  
09:20:13 5 correct it in a -- and then we'd do that in -- for  
09:20:19 6 example, 702 we'd do it in HR702DEV.

09:20:24 7 Q. (By Mr. Howard) So if you're successful in  
09:20:27 8 replicating an issue in one of the REP environments, you  
09:20:32 9 would then attempt to develop a fix to address that  
09:20:36 10 issue in the DEV environment?

09:20:38 11 MR. McDONELL: Same objections, compound.

09:20:41 12 A. Correct.

09:20:41 13 Q. (By Mr. Howard) And if you're successful,  
09:20:44 14 then, in developing that fix in the DEV environments,  
09:20:48 15 would that fix then be delivered to the customers?

09:20:50 16 MR. McDONELL: Same objections.

09:20:52 17 A. After a few more steps, yes.

09:20:55 18 Q. (By Mr. Howard) And what are the -- what are  
09:20:58 19 the few more steps that you're thinking of?

09:20:59 20 A. We would apply it to a test environment, and it  
09:21:03 21 would go through QA.

09:21:04 22

09:21:24 23

09:21:29 24

09:21:35 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 134

09:45:42 1  
09:45:45 2  
09:45:54 3  
09:45:58 4  
09:46:00 5  
09:46:01 6  
09:46:06 7  
09:46:07 8  
09:46:08 9  
09:46:15 10  
09:46:16 11  
09:46:17 12  
09:46:19 13  
09:46:19 14  
09:46:25 15  
09:46:28 16  
09:46:28 17  
09:46:32 18  
09:46:34 19  
09:46:34 20  
09:46:36 21  
09:46:41 22  
09:46:42 23  
09:46:50 24  
09:46:56 25

Q. The next one is HR751YR2.

Do you know what that one's for?

A. Yes.

Q. What is it for?

A. It was a point in time environment.

Q. What does that mean?

A. It would have been -- I called it year 2 for whatever reason. It was a starting point where, when our clients were coming onboard, that I knew I could use

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 135

09:46:59 1 that version without corrupting their maintenance end  
09:47:06 2 date.

09:47:09 3 Q. So it sounds like you created HR751YR2?

09:47:16 4 A. Yes.

09:47:16 5 Q. What did you use HR751YR2 for?

09:47:22 6 A. To create some of the very early critical  
09:47:26 7 support environments.

09:47:30 8 Q. Which critical support environments were  
09:47:33 9 created with HR751YR2?

09:47:36 10 A. Most likely all the ones that have the  
09:47:41 11 three-character identifier at the end with still having  
09:47:45 12 HR in the front.

09:47:49 13 Q. So if I understand your answer, all the ones  
09:47:52 14 that we just went through that you identified as  
09:47:55 15 customer-specific environments with a three-letter  
09:47:58 16 extension after the HR751?

09:48:02 17 A. Yes.

09:48:02 18 Q. For example, HR751FTI would have been created  
09:48:06 19 from HR751YR2?

09:48:08 20 A. Yes.

09:48:08 21 Q. Why did you want to create HR751YR2 in order to  
09:48:18 22 then create customer-specific HR751 environments?

09:48:26 23 A. It was a point in time where we hadn't put any  
09:48:31 24 of our updates in it.

09:48:35 25 Q. And what was the significance of not having any

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 136

09:48:38 1 of TomorrowNow updates in the environment?

09:48:41 2 A. It's what the client's environment would have  
09:48:43 3 looked like.

09:48:45 4 Q. Were these clients that didn't have their own  
09:48:49 5 software for you to use to create an environment?

09:48:53 6 MR. McDONELL: Vague and ambiguous.

09:48:55 7 A. I'm sure they sent us CDs.

09:48:58 8 Q. (By Mr. Howard) Why didn't -- why would you  
09:49:00 9 not use the CDs sent by the client to create a client  
09:49:04 10 environment?

09:49:05 11 MR. McDONELL: Assumes facts.

09:49:08 12 A. I had already built it from a similar CD.

09:49:11 13 Q. (By Mr. Howard) So is -- is it -- was it just  
09:49:13 14 a matter efficiency to have a single-source environment  
09:49:18 15 to use to create the specific client environments?

09:49:24 16 A. Yes.

09:49:24 17 Q. And are there any client environments that were  
09:49:28 18 created using HR751YR2 that are not listed here on  
09:49:34 19 page 5 of Exhibit 75?

09:49:38 20 A. I don't believe so.

09:49:40 21 Q. And whose software was used to create HR751YR2?

09:49:46 22 A. They would have been Safeway or Washington Gas  
09:49:52 23 Light.

09:49:52 24

09:49:59 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 138

09:51:50 1

09:51:52 2

09:51:53 3

09:51:59 4

09:52:03 5

09:52:06 6

09:52:10 7

09:52:17 8

09:52:23 9

09:52:28 10

09:52:28 11

Q. Were -- were any other client-specific

09:52:33 12

environments created using the software of a different

09:52:41 13

client?

09:52:41 14

MR. McDONELL: Vague and ambiguous.

09:52:42 15

A. Can you say that again?

09:52:43 16

Q. (By Mr. Howard) Well, the ARC environment was

09:52:46 17

created using software that ultimately came from either

09:52:52 18

Washington Gas Light or Safeway, right?

09:52:54 19

A. Correct.

09:52:55 20

Q. Were any other client-specific environments

09:52:59 21

like ARC created using software that originally came

09:53:02 22

from a different customer?

09:53:03 23

MR. McDONELL: Vague and ambiguous.

09:53:04 24

A. Well, that's what I said; they originally all

09:53:07 25

came from 751YR2, which would have come from Washington

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 139

09:53:13 1 Gas Light or Safeway while I was creating them.

09:53:16 2 Once I was no longer doing that, it would  
09:53:20 3 have been the procedures from the environments team.

09:53:25 4 Q. (By Mr. Howard) And the ones that you created  
09:53:27 5 were the ones that you identified that have the  
09:53:29 6 three-letter extensions?

09:53:31 7 A. Yes.

09:53:31 8

09:53:34 9

09:53:39 10

09:53:42 11

09:53:44 12

09:53:48 13

09:53:54 14

09:54:00 15

09:54:06 16

09:54:09 17

09:54:20 18

09:54:25 19

09:54:27 20

09:54:30 21

09:54:31 22

09:54:31 23

09:54:33 24

09:54:39 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 140

09:54:44 1

09:54:48 2

09:54:52 3

09:54:54 4

09:54:57 5

09:54:58 6

09:55:00 7

09:55:03 8

09:55:06 9

09:55:10 10

09:55:10 11

09:55:13 12

09:55:15 13

09:55:16 14

09:55:20 15

09:55:24 16

09:55:28 17

09:55:31 18

09:55:34 19

09:55:39 20

09:55:39 21

09:55:40 22

09:55:47 23

09:55:49 24

09:55:56 25

Q. Okay. So could you -- looking, then, down -- further down on page 5 of Exhibit 75, could you identify the client-specific environments that you created where the software originally came from a different customer?

A. Praxair and QGI.

Q. That would be -- Praxair would be the HR810PRX environment?

A. Yes.

Q. And QGI would be the HR810QGI environment?

A. Yes. It's Quad Graphics.

Q. Are there any others in the -- are there any others other than those two and the ones you've already

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 141

09:55:59 1 identified further up on page 5 that you created using  
09:56:02 2 the software originally that came from a different  
09:56:06 3 client?

09:56:06 4 A. I believe those were the last ones that I ever  
09:56:10 5 created. So it would have -- the process would have  
09:56:15 6 changed.

09:56:15 7 Q. Whose software was used to create the HR810PRX  
09:56:20 8 environment?

09:56:22 9 A. I believe it would have come from the original  
09:56:25 10 HR810 that we were using for the extended support  
09:56:28 11 clients. So it would be any of the clients that were  
09:56:31 12 onboard at the time we created that.

09:56:34 13 Q. And whose -- and you have the same answer for  
09:56:38 14 the HR810QGI environment?

09:56:42 15 A. Yes.

09:56:42 16 Q. Would it have been the same environment that  
09:56:45 17 was used as the source for both HR810PRX and HR810QGI?

09:56:52 18 A. What do you mean?

09:56:53 19 Q. Is it accurate that HR810PRX is -- was created  
09:57:00 20 as a copy of a pre-existing environment?

09:57:02 21 MR. McDONELL: Asked and answered.

09:57:05 22 A. I believe so yes.

09:57:06 23 Q. (By Mr. Howard) And was that the same  
09:57:08 24 pre-existing environment that was used to create  
09:57:11 25 HR810QGI?



CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 142

09:57:12 1 A. I would think so yes.  
09:57:14 2 Q. When did you create HR810PRX?  
09:57:17 3 A. Whenever Praxair came onboard.  
09:57:24 4 Q. Do you remember when that was?  
09:57:25 5 A. No. It was probably '04.  
09:57:27 6 Q. Do you remember when you created the HR810QGI  
09:57:31 7 environment?  
09:57:31 8 A. I would think it's '04, also.  
09:57:35 9  
09:57:49 10  
09:57:51 11  
09:57:57 12  
09:57:58 13  
09:58:01 14  
09:58:01 15  
09:58:03 16  
09:58:06 17  
09:58:09 18  
09:58:13 19  
09:58:13 20  
09:58:25 21  
09:58:26 22  
09:58:35 23  
09:58:45 24  
09:58:49 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 232

13:03:09 1  
13:03:09 2  
13:03:12 3  
13:03:18 4  
13:03:20 5  
13:03:21 6  
13:03:21 7  
13:03:23 8  
13:03:28 9  
13:03:30 10  
13:03:31 11  
13:03:40 12  
13:03:45 13  
13:03:49 14  
13:03:49 15  
13:03:51 16  
13:03:52 17  
13:03:55 18  
13:03:58 19  
13:03:58 20  
13:04:01 21  
13:04:05 22  
13:04:08 23  
13:04:09 24  
13:04:09 25

Q. So you've referred at various points in your testimony to the creation of different environments from the software of either Safeway stores or Washington Gas Light Company?

A. Yes.

Q. And under this extended support HRMS7C tab,

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 233

13:04:15 1 those are the two clients represented, true?  
13:04:17 2 A. Yes.  
13:04:17 3 Q. And the -- for the first entity for Safeway  
13:04:34 4 stores, there's a start date of 6/30/2002?  
13:04:39 5 A. Yes.  
13:04:39 6 Q. Does that indicate that Safeway stores was the  
13:04:41 7 first HRMS7C client for TomorrowNow?  
13:04:45 8 A. I would say that indicates the first contract.  
13:04:51 9 Q. What's the -- how are you differentiating first  
13:04:55 10 contract from first client?  
13:04:58 11 A. It's the first client then.  
13:05:00 12 Q. And then according to Exhibit 91, Washington  
13:05:08 13 Gas Light Company became a client about a month later at  
13:05:13 14 the end of July 2002?  
13:05:15 15 A. Correct.  
13:05:15 16  
13:05:21 17  
13:05:29 18  
13:05:31 19  
13:05:33 20  
13:05:38 21  
13:05:45 22  
13:05:50 23  
13:06:11 24  
13:06:18 25

CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

1 SUBSCRIBED AND SWORN TO by the undersigned  
2 on this the 7th day of April, 2008.

3  
4   
5 **CAROL JENKINS, CSR**

6 Certificate No. 2660  
7 Date of Expiration: 12/31/08  
8 Merrill Legal Solutions, No. 210  
9 315 Capitol Street, Suite 100  
10 Houston, Texas 77002  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
(713) 426-0400

KATHERINE WALKER WILLIAMS April 1, 2008  
HIGHLY CONFIDENTIAL

CHANGES AND SIGNATURE

1				
2	PAGE	LINE	CHANGE	REASON
3	15	4	Different → Deeper	typo
4	16	5	OR → of	typo
5	30 - 8		ENTRANCE - INTERIM	}
6	105 - 11		Text → TAX	
7	111 - 16		HRR → HR OR	
8	156 - 22		MEWMERIX - NEWMERIX	
9	170 - 15		SAS → SOX	
10	194 - 20		LAWRENCE → FLORENCE	
11	194 - 21		PETEE → PAUL	
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

CATHERINE LEE HYDE April 1, 2008  
HIGHLY CONFIDENTIAL

18:01:40 1 MR. McDONELL: Okay.  
18:01:41 2 THE VIDEOGRAPHER: 6:01. We're off the  
18:01:43 3 record.  
18:01:43 4 (Proceedings adjourned until following  
5 morning.)  
6  
7  
8  
9

*Catherine L. Hyde*  
\_\_\_\_\_  
CATHERINE LEE HYDE

10 THE STATE OF Florida )  
~~TEXAS~~

11 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned  
12 authority, by the said CATHERINE LEE HYDE on this the  
13 18<sup>th</sup> day of April, 2008

14 *Candice R. Holland*  
15 \_\_\_\_\_  
16 Notary Public in and for  
17 the State of ~~Texas~~ Florida

18  
19 My Commission Expires: June 28, 2011



20  
21  
22  
23  
24  
25



CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

CHANGES AND SIGNATURE

1				
2	PAGE	LINE	CHANGE	REASON
3	74	08:00:0412	HR702DAT	for (not 4)
4	100	08:39:513	KRISTA PEDEN	not Stevens
5	115	09:17:124	EandG	references to "ENG"
6	128	09:39:1323		are actually short for
7	206	11:46:518		Education & Govt
8				
9	133	09:44:415	SASOL	not Sassell
10	157	10:27:237	Nhat	not Matt
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				



CATHERINE LEE HYDE April 2, 2008  
HIGHLY CONFIDENTIAL

Page 322

16:21:02 1 from the PeopleSoft documents?

16:21:04 2 MR. McDONELL: Same objection.

16:21:05 3 A. Yes.

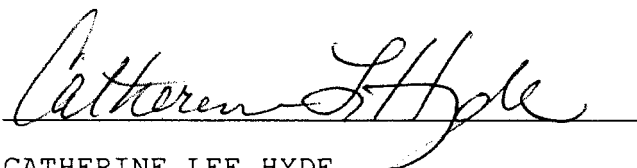
16:21:07 4 MR. HOWARD: All right. Thank you.

16:21:10 5 That's all I have for now.

16:21:12 6 MR. McDONELL: Okay.

16:21:13 7 THE VIDEOGRAPHER: 4:21. We're off the

16:21:19 8 record.

9  
10 

11 CATHERINE LEE HYDE

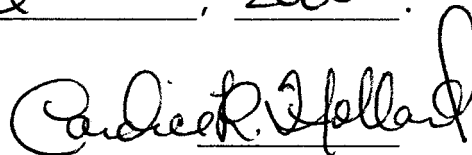
12 Florida

13 THE STATE OF ~~TEXAS~~ )

14 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned

15 authority, by the said CATHERINE LEE HYDE on this the

16 18<sup>th</sup> day of April, 2008.

17  
18 

19 Notary Public in and for

20 the State of ~~TEXAS~~ Florida

21  
22 My Commission Expires: June 28, 2011

