EXHIBIT 5

Page 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE
USA, INC., a Colorado corporation, and ORACLE
INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a
Delaware corporation, TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:
JOHN M. BAUGH - February 6, 2008
TomorrowNow, Inc.
(Highly Confidential - Attorneys' Eyes Only)

        PURSUANT TO NOTICE, the Videotape Rule
30(b)(6) deposition of JOHN M. BAUGH was taken on
behalf of the Plaintiffs at 1700 Lincoln Street, Suite
4100, Denver, Colorado 80203, on February 6, 2008, at
1:17 p.m., before Sandra L. Bray, Registered Diplomate
Reporter, Certified Realtime Reporter, and Notary Public
within Colorado.

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14:08:11	1	
14:08:12	2	
14:08:12	3	
14:08:17	4	
14:08:20	5	
14:08:21	6	
14:08:34	7	
14:08:36	8	
14:08:37	9	Q. So you reported directly to Andrew
14:08:43	10	Nelson when you started in July of 2003?
14:08:45	11	A. Yes.
14:08:45	12	Q. When did that change -- when did that
14:08:48	13	reporting relationship change?
14:08:51	14	A. When the environments team was created
14:08:56	15	and George Lester was made manager of that team.
14:08:59	16	Q. Was that in early 2005?
14:09:03	17	A. Approximately, somewhere around there,
14:09:05	18	yes.
14:09:05	19	Q. Who else was on the environments team
14:09:25	20	when it was created in early 2005?
14:09:34	21	A. I think Nhat Vuong was on the initial
14:09:39	22	team.
14:09:39	23	Q. Would you spell that for us, please?
14:09:41	24	A. N-h-a-t, V-u-o-n-g.
14:09:54	25	Q. Anyone else?

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14:09:55	1	A.	That was who was on the team at the time
14:09:57	2	it was formed.
14:10:01	3	Q.	Did your job title or responsibilities
14:10:04	4	change after early 2005?
14:10:10	5	A.	Yes.
14:10:10	6	Q.	Approximately when was that?
14:10:11	7	A.	The end of December 2006.
14:10:22	8	Q.	Your title changed in December 2005?
14:10:27	9	A.	Yes.
14:10:27	10	Q.	What did it become?
14:10:28	11	A.	PeopleSoft environments manager.
14:10:30	12	Q.	Between early 2005 and December 2006,
14:10:44	13	when you became PeopleSoft environments manager, were
14:10:48	14	you reporting to George Lester that entire time?
14:10:53	15	A.	Up through I think it was end of
14:10:57	16	September, first of October of 2006, yes.
14:11:01	17	Q.	Who became your direct report at that
14:11:07	18	time?
14:11:07	19	A.	At which time?
14:11:09	20	Q.	In September, first of October 2006.
14:11:17	21	A.	I didn't have any direct reports at that
14:11:19	22	time.
14:11:19	23	Q.	Mr. Lester had left the company?
14:11:23	24	A.	Yes.
14:11:23	25	Q.	So you became the PeopleSoft

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14:11:35	1	environments manager December of 2006?
14:11:37	2	A. Yes.
14:11:37	3	Q. Was that the role that Mr. Lester had
14:11:41	4	had prior to his departure from the company?
14:11:45	5	A. Yes.
14:11:45	6	Q. So you filled that role?
14:11:49	7	A. Correct.
14:11:50	8	Q. Who did you report to at that time?
14:11:54	9	A. When I assumed that position, I started
14:11:58	10	reporting to Kathy Williams.
14:12:05	11	Q. Did your responsibilities change when
14:12:07	12	you became PeopleSoft environments manager?
14:12:10	13	A. Yes.
14:12:11	14	Q. So what were your responsibilities as
14:12:13	15	PeopleSoft environments manager?
14:12:14	16	A. My primary responsibility was
14:12:18	17	responsibility for the maintenance of the
14:12:21	18	environments.
14:12:30	19	Q. What does that mean?
14:12:33	20	A. Making sure they were maintained and
14:12:40	21	created, built properly. In addition, making sure
14:12:48	22	they were available to our development teams and
14:12:50	23	support engineers as needed.
14:13:04	24	
14:13:06	25	

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14:22:48	1
14:22:51	2
14:22:56	3
14:22:59	4
14:23:03	5
14:23:03	6
14:23:13	7
14:23:14	8
14:23:15	9
14:23:27	10
14:23:32	11
14:23:34	12
14:23:35	13
14:23:38	14
14:23:47	15
14:23:52	16
14:23:53	17
14:23:53	18
14:23:54	19
14:23:58	20

14:24:03   21   Q.   Now, you understand that you're

14:24:15   22   testifying here today as a corporate representative

14:24:17   23   for TomorrowNow?

14:24:18   24   A.   Yes.

14:24:18   25   Q.   And I'm not going to go through all of

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14:24:21	1	the specific topics on which you've been designated,
14:24:24	2	but you understand generally that you're designated on
14:24:27	3	the subject of local environments?
14:24:31	4	A. As they relate to PeopleSoft, yes.
14:24:33	5	
14:24:40	6	
14:24:42	7	
14:24:42	8	
14:24:54	9	
14:24:55	10	
14:24:55	11	
14:25:11	12	
14:25:12	13	
14:25:18	14	
14:25:26	15	
14:25:39	16	
14:25:53	17	
14:26:04	18	
14:26:07	19	
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14:26:28 1

14:26:31 2

14:26:33 3

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14:26:44 5

14:26:47 6

14:26:59 7

14:27:17 8

14:27:20 9

14:27:28 10

14:27:33 11

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14:27:40 13

14:27:43 14

14:27:47 15

14:27:50 16

14:27:52 17   Q.   How about Catherine Hyde? Did you learn

14:27:56 18   anything from her about local environments that you

14:27:59 19   didn't know?

14:27:59 20   A.   Yes.

14:27:59 21   Q.   What is that?

14:28:00 22   A.   What specifically did I learn?

14:28:08 23   Q.   Right. What did you learn as a result

14:28:10 24   of your discussion with Catherine Hyde about local

14:28:14 25   environments?

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14:28:14   1   A.   Well, the discussion with her was

14:28:16   2   related to what happened back when we were doing the

14:28:22   3   extended support and primarily before I came to the

14:28:27   4   company. So I wasn't sure if she had created those

14:28:36   5   environments or if Andrew had also created those.

14:28:42   6   That's what I learned or verified; it was Andrew

14:28:44   7   Nelson that had created some of those initial extended

14:28:49   8   support environments.

14:28:55   9   Q.   Anything else you learned from Catherine

14:28:58   10   Hyde related to local environments?

14:29:00   11   A.   I had a question on whether we were

14:29:09   12   still, you know, performing any activities in certain

14:29:17   13   databases, and she was able to answer those questions.

14:29:22   14   Q.   What did she say?

14:29:23   15   A.   Well, there were certain databases that

14:29:33   16   we're no longer using.

14:29:34   17   Q.   Which databases did you ask about and

14:29:38   18   what were her answers?

14:29:39   19   A.   In the course of my research, I had

14:29:42   20   found or come across a list of databases with DAT in

14:29:49   21   the name, D-A-T, and I was unsure of what these

14:29:57   22   databases were used for and if we were still using

14:30:00   23   them for anything; and she was able to answer that

14:30:04   24   question for me.

14:30:05   25

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14:30:07   1

14:30:15   2

14:30:23   3

14:30:31   4

14:30:40   5

14:30:43   6

14:30:44   7

14:30:48   8

14:30:51   9

14:30:56 10

14:31:11 11

14:31:14 12

14:31:19 13

14:31:26 14

14:31:28 15

14:31:37 16

14:31:41 17   Q.   Any other databases that you asked her

14:31:45 18   about other than the DAT databases?

14:31:51 19   A.   We discussed one database that has a

14:31:55 20   generic name.

14:32:01 21   Q.   Which database is that?

14:32:02 22   A.   It's the HR751CSS database.

14:32:14 23   Q.   What did you ask her and what did she

14:32:16 24   say about that database?

14:32:17 25   MR. FUCHS: Objection, form.

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14:32:20	1	A. Could you please restate the question?
14:32:23	2	Q. What did you ask about that database?
14:32:25	3	A. I basically asked -- discussed whether
14:32:31	4	or how this database was currently used.
14:32:35	5	Q. What did she say?
14:32:38	6	A. She said there was still or -- there was
14:32:42	7	four clients being supported on this database.
14:32:45	8	Q. Did she say who the clients were?
14:32:49	9	A. Those clients are Advanced Auto Parts,
14:33:02	10	Bear Sterns, Heritage Valley Health Care, and
14:33:14	11	Universal City Studios, I think it is.
14:33:21	12	Q. How are those clients being supported
14:33:24	13	using the HR751CSS database?
14:33:31	14	A. For regulatory updates.
14:33:41	15	Q. Are you saying all of these four clients
14:33:43	16	are as of now being supported out of this one
14:33:49	17	database?
14:33:49	18	A. Correct.
14:33:54	19	Q. When we use the term "database
14:34:01	20	HR751CSS," is that the same as an environment?
14:34:04	21	A. Yes.
14:34:06	22	Q. So this is a continuing example of using
14:34:11	23	a generic environment to support multiple customers;
14:34:15	24	is that right?
14:34:16	25	A. Yes.

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REPORTER'S CERTIFICATE

STATE OF COLORADO)
) s.s.
CITY AND COUNTY OF DENVER)

     I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public, State of Colorado, do hereby certify that previous to the commencement of the examination, the said JOHN M. BAUGH was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

     I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

     IN WITNESS WHEREOF, I have affixed my signature this 10th of February, 2008.

     My commission expires January 16, 2012.

  X Reading and Signing was requested.

     Reading and Signing was waived.

     Reading and Signing is not required.

           Sandra L. Bray
           Sandra L. Bray, RMR, CRR, RDR
           Certified Realtime Reporter

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE
USA, INC., a Colorado corporation, and ORACLE
INTERNATIONAL CORPORATION, \a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a
Delaware corporation, TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:
JOHN M. BAUGH - February 7, 2008 - Volume II
TomorrowNow, Inc.
(Highly Confidential - Attorneys' Eyes Only)

PURSUANT TO NOTICE, the Videotape Rule
30(b)(6)deposition of JOHN M. BAUGH was continued on
behalf of the Plaintiffs at 1700 Lincoln Street, Suite
4100, Denver, Colorado 80203, on February 7, 2008, at
8:40 a.m., before Sandra L. Bray, Registered Diplomate
Reporter, Certified Realtime Reporter, and Notary Public
within Colorado.

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09:45:12	1
09:45:15	2
09:45:27	3
09:45:29	4
09:45:37	5
09:45:41	6
09:45:44	7
09:45:46	8
09:45:50	9
09:46:06	10

09:46:06 11   Q.   Now, turning to Page 4 of Exhibit 31 and

09:46:09 12   beginning at the top, there appears to be a series of

09:46:15 13   development environments for HRMS Release 8, service

09:46:23 14   pack 1. Do you see those?

09:46:24 15   A.   Yes.

09:46:24 16   Q.   And they have the same type of naming

09:46:28 17   convention we've been discussing that appears to

09:46:34 18   reflect a retrofit development process for updates

09:46:44 19   through 2006 and the beginning of 2007?

09:46:49 20   A.   Yes.

09:46:49 21   Q.   Do you agree with that characterization

09:46:53 22   of the ones that begin HR81006A through HR81007A?

09:47:03 23   A.   Yes.

09:47:03 24   Q.   So are these then similar to the ones

09:47:05 25   we've been discussing, generic extended support

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09:47:10	1	environments for HRMS Release 8, service pack 1 used
09:47:17	2	in 2006 and the beginning of 2007?
09:47:20	3	A. Yes.
09:47:21	4	Q. And does this refresh your recollection
09:47:24	5	that the extended support generic environment retrofit
09:47:30	6	model continued at least through the beginning of
09:47:32	7	2007?
09:47:44	8	A. That model continued, yes, in some
09:47:50	9	capacity, yes.
09:47:51	10	Q. Right. It was a bad question. It's
09:47:53	11	continued up until today, but specifically with
09:47:56	12	respect to HRMS Release 8, service pack 1, the generic
09:48:02	13	retrofit extended support model appears to have
09:48:07	14	continued at least through January of 2007; is that
09:48:11	15	right?
09:48:11	16	A. Yes.
09:48:14	17	
09:48:15	18	
09:48:18	19	
09:48:22	20	
09:48:26	21	
09:48:52	22	
09:48:59	23	
09:49:11	24	
09:49:15	25	

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13:51:20	1
13:51:40	2
13:51:43	3
13:51:51	4
13:51:58	5
13:52:04	6
13:52:07	7
13:52:08	8
13:52:13	9
13:52:55	10
13:53:03	11
13:53:17	12
13:53:24	13
13:53:35	14
13:53:36	15
13:53:39	16
13:53:40	17
13:54:22	18
13:54:23	19
13:54:26	20
13:54:49	21
13:54:49	22
13:55:10	23
13:55:16	24
13:55:16	25

18   Q.   (BY MR. HOWARD) Mr. Baugh, do you

19   recognize Exhibit 41 as the backup table sorted by

20   your name as the "performed by" field?

21   A.   Yes.

22   Q.   So in general, what is the backup table

23   telling us about the backup activity for environments

24   at TomorrowNow?

25   A.   It's telling us the machine the

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13:55:24	1	environment lives on or at least one part of the
13:55:30	2	environment, the application -- associated
13:55:40	3	application, the environment name, the file name for
13:55:49	4	the backup, the date time the backup was taken, the
13:55:56	5	description, the flag to indicate whether the database
13:56:02	6	was backed up or the NT component was backed up or the
13:56:10	7	UNIX component was backed up, who performed by, who
13:56:14	8	requested by, the format, and then the archive
13:56:26	9	location -- or the backup location, the TN archive.
13:56:35	10	
13:56:51	11	
13:56:57	12	
13:56:59	13	
13:56:59	14	
13:57:01	15	
13:57:07	16	
13:57:11	17	
13:57:25	18	
13:57:29	19	
13:57:41	20	
13:57:44	21	
13:57:47	22	
13:57:53	23	
13:57:55	24	
13:57:58	25	

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13:57:59   1

13:58:02   2

13:58:04   3

13:58:04   4

13:58:12   5

13:58:16   6

13:58:18   7

13:58:27   8

13:58:28   9

13:58:34   10

13:58:38   11

13:58:44   12

13:58:54   13

13:58:54   14   Q.   Then the next column over from the left

13:59:01   15   is File Name. What is that?

13:59:03   16   A.   That is the file name that we generate

13:59:06   17   for the zip files or the gzip file minus the

13:59:13   18   extension.

13:59:18   19   Q.   And the extension being the .zip that's

13:59:29   20   reflected or the .gz that's reflected in the format

13:59:33   21   column?

13:59:34   22   A.   Yes, that would be one of the

13:59:36   23   extensions, yes.

13:59:36   24   Q.   So what's the naming convention for the

13:59:38   25   file name?

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13:59:39   1   A.   It's the environment name, underscore,

13:59:47   2   four-digit year, two-digit month, two-digit day,

13:59:54   3   underscore, and then the hours, and then the minutes.

14:00:03   4   Q.   So taking the first one reflected on

14:00:06   5   Exhibit 41, which is backup ID 16, the file name

14:00:16   6   reflects first the name of the environment which is to

14:00:18   7   the immediate left, HR81003F_, and this is done in

14:00:25   8   2003 on October 30th at 5:22 -- I guess 15 -- 5:22?

14:00:35   9   A.   Yes.

14:00:41   10   Q.   And that year, month, day, and time is

14:00:48   11   the same as the date and time column to the immediate

14:00:52   12   right of that file name entry?

14:00:59   13   A.   It won't always be consistent. It

14:01:01   14   should be close.

14:01:02   15   Q.   What is in the file that is, in this

14:01:12   16   case, the zip file named HR 81003F_20031030_1722?

14:01:43   17   A.   Since this database -- I'm sorry. Since

14:01:45   18   this backup is both a database and an HT backup, there

14:01:49   19   should be two zip files with this name or that include

14:02:03   20   this name. This zip file with this name and the

14:02:11   21   extension should contain a zip of the PSHome.

14:02:34   22   Q.   You said there should be two zip files?

14:02:36   23   A.   Yes.

14:02:36   24   Q.   With the same name?

14:02:39   25   A.   The second one would have part of this

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14:02:40	1	name, and then after the 1722, it would probably
14:02:46	2	have -- it would either be a .exe or have an _DB and
14:02:55	3	then an extension tacked on the end.
14:03:01	4	Q. Do we see that file name anywhere on
14:03:04	5	Exhibit 41?
14:03:05	6	A. No.
14:03:05	7	Q. Do you know why that is?
14:03:07	8	A. There's not a field for it in the table,
14:03:17	9	but those flags, the DB, the NT, and the UNIX, would
14:03:22	10	indicate which components were backed up.
14:03:25	11	Q. Let's look at those.
14:03:26	12	A. That's the naming convention.
14:03:27	13	Q. Let's look at those then. You're
14:03:32	14	referring to the columns headed DB, NT, and UNIX?
14:03:36	15	A. Correct.
14:03:37	16	Q. And the DB column indicates what?
14:03:40	17	A. That the database was backed up as part
14:03:44	18	of this backup request.
14:03:47	19	Q. And when we use the term "database"
14:03:50	20	here, what exactly is that referring to?
14:03:51	21	A. That is the database that contains the
14:03:56	22	PeopleSoft meta data for a specific environment.
14:04:00	23	Q. And what would that meta data include?
14:04:03	24	A. Tables, indexes, the PeopleTools data,
14:04:08	25	and the application data.

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14:04:11   1   Q.   Would it contain any source code?

14:04:17   2   A.   It would contain the meta data, which

14:04:19   3   has People code in it, yes.

14:04:26   4   Q.   And aside from the People code, is there

14:04:28   5   any other code contained in the database that's

14:04:31   6   indicated in this DB column on Exhibit 41?

14:04:47   7   A.   Yes, there would be other types of data.

14:04:51   8   Q.   Other types of code?

14:04:52   9   A.   Other types of code, I guess, yes, just

14:04:59   10 the general type of code required by PeopleTools to

14:05:02   11 support the application.

14:05:05   12   Q.   Is there a name for that code?

14:05:07   13   A.   Really, it's called People code for the

14:05:13   14 most part. There's application engine code, and then

14:05:29   15 there's the definitions; and that's part of what I'm

14:05:34   16 referring to as meta data. The definitions of the

14:05:37   17 objects in the database; the table definitions, record

14:05:43   18 definitions, index definitions.

14:06:02   19   Q.   Anything else?

14:06:05   20   A.   I don't think I could remember the full

14:06:09   21 rest, but there are predefined objects that are

14:06:21   22 delivered with PeopleSoft installation.

14:06:26   23   THE VIDEOGRAPHER: Mr. Baugh, your

14:06:27   24 microphone just came off. Could you repeat that last

14:06:33   25 part of that?

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14:06:39 1   A.   There are predefined objects that are

14:06:42 2   delivered as part of the PeopleSoft application.

14:06:50 3   Q.   (BY MR. HOWARD) Is there SQR or COBOL

14:06:54 4   code within the database?

14:07:00 5   A.   No.

14:07:10 6   Q.   And then the next column is NT?

14:07:14 7   A.   Yes.

14:07:14 8   Q.   What does that indicate?

14:07:16 9   A.   That indicates that the Windows PSHome

14:07:19 10   was backed up.

14:07:22 11   Q.   And when you say the Windows PSHome,

14:07:29 12   what do you mean by that?

14:07:29 13   A.   That is where the files related to that

14:07:32 14   specific environment live, both the PeopleTools and

14:07:38 15   the application installation.

14:07:45 16   Q.   In other words, that's the software

14:07:48 17   release as we've referred to sometimes, 7.02, for

14:07:56 18   example?

14:07:56 19   A.   Yes, for that specific environment.

14:08:08 20   Q.   Is there anything else that's included

14:08:10 21   in the NT column that's the PeopleSoft home

14:08:17 22   environment?

14:08:21 23   A.   No, that's just a backup of the

14:08:24 24   PeopleSoft home.

14:08:26 25   Q.   And then, what's indicated by the UNIX

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14:08:28	1	column?
14:08:30	2	A. If there's a corresponding UNIX
14:08:32	3	PeopleSoft Home, then that would be backed up.
14:08:41	4	Q. So in some instances, I see that there's
14:08:45	5	a Y for a database but an N for both NT and UNIX.
14:08:52	6	A. Yes.
14:08:52	7	Q. And I take it that indicates that the
14:08:56	8	database with the data for a particular application
14:09:00	9	was backed up, but in that instance, not the
14:09:04	10	application itself?
14:09:08	11	A. Yes.
14:09:08	12	Q. Why would you back up the database but
14:09:12	13	not the environment in the PSHome?
14:09:20	14	A. In those type of instances, usually
14:09:25	15	there was a change to the database that did not affect
14:09:28	16	the Windows components, the PSHome components.
14:09:39	17	
14:09:51	18	
14:09:54	19	
14:09:57	20	
14:09:57	21	
14:10:03	22	
14:10:08	23	
14:10:09	24	
14:10:10	25	

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14:14:19   1

14:14:25   2

14:14:28   3

14:14:33   4

14:14:40   5

14:14:45   6

14:14:47   7

14:14:53   8

14:14:57   9

14:15:01 10

14:15:03 11

14:15:07 12

14:15:18 13

14:15:28 14

14:15:32 15

14:15:54 16   Q.   Now, the backup table in BakTrak all

14:16:00 17   together indicates 2,670 backups. Is that consistent

14:16:04 18   with your understanding?

14:16:05 19   A.   That sounds about right, yes.

14:16:07 20

14:16:10 21

14:16:15 22

14:16:27 23

14:16:30 24

14:16:36 25

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14:41:39   1

14:41:41   2

14:41:42   3

14:41:46   4

14:41:47   5   Q.   Okay. Is that true for every backup ID,

14:41:58   6   that where there's a Y in the DB column, a Y in the NT

14:42:04   7   column or a Y in the UNIX column, each of those Y's

14:42:10   8   would refer to a separate zip file?

14:42:14   9   A.   Yeah.

14:42:14   10   Q.   So if I look at row 16 where there's a Y

14:42:17   11   in the DB column and a Y in the NT column, that tells

14:42:21   12   me that there are two zip files associated with that

14:42:23   13   backup?

14:42:24   14   A.   Yes.

14:42:25   15   Q.   If I go down to row 179 on Page 1 of

14:42:37   16   Exhibit 41 where there's a Y in the DB column, a Y in

14:42:42   17   the NT column, and a Y in the UNIX column, that tells

14:42:47   18   me that there are three zip files associated with that

14:42:50   19   backup?

14:42:54   20   MR. FUCHS: Object to form.

14:43:03   21   A.   Yes, there would be three files with

14:43:06   22   that backup.

14:43:06   23   Q.   Are the names of those files indicated

14:43:12   24   anywhere on BakTrak other than the one that's

14:43:15   25   indicated in the file name field?

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14:43:19	1	A. No.
14:43:19	2	Q. So if I add all the Y's on the backup
14:43:33	3	table from the BakTrak database, that should tell me
14:43:37	4	the total number of backup files that are tracked in
14:43:48	5	the BakTrak database?
14:43:51	6	A. Yes.
14:43:53	7	
14:43:56	8	
14:44:01	9	
14:44:06	10	
14:44:20	11	
14:44:28	12	
14:44:32	13	
14:44:34	14	
14:44:38	15	
14:44:40	16	
14:44:42	17	
14:44:46	18	
14:44:51	19	
14:44:54	20	
14:44:59	21	
14:45:13	22	
14:45:24	23	
14:45:26	24	
14:45:32	25	

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14:56:10	1	
14:56:13	2	
14:56:18	3	
14:56:19	4	
14:56:32	5	
14:56:34	6	
14:56:36	7	
14:56:40	8	
15:09:13	9	
15:11:11	10	
15:11:12	11	
15:11:42	12	
15:11:42	13	

15:11:42 14   Q.   (BY MR. HOWARD) Let's look at Exhibit

15:11:44 15   42, which has been marked. It's a one-page document

15:11:48 16   which is a printout of restore table sorted by, again,

15:11:54 17   performed by J. Baugh. Do you have that in front of

15:11:58 18   you?

15:11:58 19   A.   Yes.

15:11:58 20   Q.   And what is the -- what information is

15:12:00 21   reflected in the restore table as indicated by the

15:12:04 22   sort that's Exhibit 42?

15:12:12 23   A.   The restore ID, the machine that the

15:12:25 24   restore or part of restore was performed on, the

15:12:27 25   application, the destination or database, the source

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15:12:33   1   environment or database, the archive, the backup file

15:12:44   2   name, the database restore indicator, the NT or

15:12:59   3   Windows restore indicator, and the UNIX server restore

15:13:04   4   indicator, the restore date time, and the description,

15:13:09   5   and the performed by, and the requested by.

15:13:14   6   Q.   What's the difference between the target

15:13:16   7   environment and the source environment?

15:13:20   8   A.   The source environment is the

15:13:22   9   environment the backup -- is the environment or

15:13:27 10   database the backup was taken of, and the target

15:13:32 11   environment is the environment or database the backup

15:13:39 12   was restored to.

15:13:40 13   Q.   Why would those be different?

15:13:43 14   A.   In our extended support model, we would

15:13:54 15   take a backup of the earlier version, like, for

15:13:59 16   example, HR7513B, and restore it to an HR7513C, for

15:14:12 17   example. I think there's an example of that in this

15:14:15 18   spreadsheet.

15:14:23 19   Q.   So, in other words, looking at restore

15:14:25 20   ID line 247, the source environment is one of these

15:14:34 21   generic extended report environments called HR70205A?

15:14:43 22   A.   Yes.

15:14:43 23   Q.   And that exists as a backup, and then

15:14:47 24   it's restored in order to create a separate

15:14:50 25   environment for the next update, which is HR70205B?

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15:14:57   1   A.   Yes, the HG, it would actually be, yes.

15:15:01   2   Q.   And when you do that, the source

15:15:02   3   environment, does it remain as a backed-up file?

15:15:12   4   A.   That backed-up file should remain, yes.

15:15:17   5   Q.   So it's a zip file. You unzip it --

15:15:22   6   it's sort of like, if I could use the analogy in Word,

15:15:25   7   copy document and open? Is that a similar type of

15:15:29   8   process here where you're making a copy and then

15:15:32   9   naming it something else but the original remains?

15:15:36 10   A.   Yes.

15:15:37 11

15:15:48 12

15:15:55 13

15:15:57 14

15:16:09 15

15:16:24 16

15:16:26 17

15:16:30 18

15:16:30 19

15:16:38 20

15:16:47 21

15:17:14 22

15:17:22 23

15:17:27 24

15:17:31 25

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15:17:34   1

15:17:37   2

15:17:38   3

15:17:42   4

15:17:44   5

15:17:44   6   Q.   And in the three columns, database

15:17:50   7   restore, NT restore, and UNIX restore, do those three

15:17:55   8   columns correspond to the DB, NT, and UNIX columns in

15:18:02   9   the backup table that we looked at as Exhibit 41?

15:18:05   10   A.   Yes.

15:18:05   11

15:18:14   12

15:18:19   13

15:18:23   14

15:18:27   15

15:18:31   16

15:18:34   17

15:18:37   18

15:18:38   19

15:18:38   20

15:18:57   21

15:19:05   22

15:19:23   23

15:19:26   24

15:19:33   25

REPORTER'S CERTIFICATE

STATE OF COLORADO   )
) ss.
CITY AND COUNTY OF DENVER   )

     I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public, State of Colorado, do hereby certify that previous to the commencement of the examination, the said JOHN M. BAUGH was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

     I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

     IN WITNESS WHEREOF, I have affixed my signature this 12th of February, 2008.

     My commission expires January 16, 2012.

__X__   Reading and Signing was requested.

_____   Reading and Signing was waived.

_____   Reading and Signing is not required.

_____
Sandra L. Bray, RMR, CRR, RDR
Certified Realtime Reporter

Corrections to the Transcript of the Deposition of

JOHN BAUGH

Taken on FEBRUARY 6, 2008

Volume 1, pages 1 - 149

Page	Line(s)	Reads	Should Read
18	18	THEY WERE NOT, YES	THAT IS CORRECT
23	22	PIECE ACTUALLY STARTED	EXACT TIME PERIOD
28	4	COULD BE SURE THEY DID	AM AWARE.
28	5	THAT	—
38	18	DELIVERED TO THE	REQUIREMENTS FOR USING
42	12	STILL YOU KNOW	STILL
45	20	THAT WOULD BE OUR DEVELOPMENT TEAM -- PRIMARY	THAT WOULD PRIMARIL
45	20		THAT WOULD PRIMARILY BE
47	15	OF ARE WE	OF HOW WE ARE
52	18	ENVIRONMENTS AND THEIR	ENVIRONMENTS IN THEIR
55	12	BUILDING	BUILDING OF ENVIRONMENTS
62	23	PSO	PS HOME
63	24	IS	WAS
64	23	VH -HVH. CORRECT.	CORRECT.
75	22	M-A-I-J-U-L-A	M-A-N-J-U-L-A
97	6	PSMTØI	PSNTØI
112	20	TN -DELL -265001	TN -DELL2650 -01
119	2	PEOPLESOFTS SERVER	PEOPLESOFT SUPPORT
133	23	V -- IT'S AN EIGHT	IT'S AN EIGHT
136	8	BILL DATE	BUILD DATE
143	18	3,315	300 AND 315

_____   _____
Witness Signature   Date   3/5/2008

Corrections to the Transcript of the Deposition of

JOHN BAUGH

Taken on FEBRUARY 7, 2008

Volume 1, pages 150 - 318

Page	Line(s)	Reads	Should Read
158	8	REUSED	USED
176	25	H88IHKLM	H88IMKLM
177	6	DOING ANY ACTIVITIES	WORKING
178	2	HRMS881	HRMS88
185	22	DEVHR7025	HR702DEV
189	4	HR 8.105 A	HR81005A
197	22	80	8.0
219	12	UH-HUH. YES.	YES
226	14	NORTHSTAND	NORSTAN
227	5	INFRA	INFRASTRUCTURE
227	12	AG FIRST	AGFIRST
235	20	UH-HUH	YES
235	24	STPSNT	PSNT
237	21	PS UNIX	PSUNX
263	16	~~KIMBERLEY~~ KIMBERLY	KIMBERLEY
274	4	LOG-IN	LOGIN
279	17	DCPSTMP0I	DCPSTEMP0I
296	4	NSTNBK0118	TNBK0118

_____ Witness Signature

·3/5/2008 _____ Date

32042_1.DOC