

EXHIBIT 19

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17 Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

22 ORACLE USA, INC., *et al.*,

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

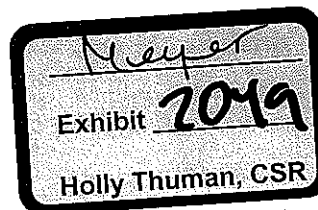
26 Defendants.

Case No. 4:07-CV-1658 PJH (EDL)

DECLARATION OF KATHY SAUER

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28 SFI-631024v1

KATHY SAUER DECL.
Case No. 4:07-CV-1658 PJH (EDL)



SAP-SKC-118344

1 I, KATHY SAUER, declare as follows:

2 1. I am over the age of 18 and competent to testify to the facts stated in this
3 declaration. All statements made in this declaration are based upon my personal knowledge and
4 belief, except where indicated otherwise.

5 2. I am currently employed as Systems Administrator for Cowlitz County,
6 Washington ("Cowlitz County"). I have been employed by Cowlitz County since 1988. My job
7 duties include day-to-day management and future implementation of PeopleSoft Human Resource
8 and Financial Management systems and applications, as well as any other applications that
9 support PeopleSoft functionality.

10 3. In 2009 I was informed that an attorney for Oracle had contacted Cowlitz County
11 and was interested in obtaining a statement concerning the County's use of PeopleSoft software
12 and support services as well as TomorrowNow support services. I was provided with a draft
13 declaration for my review, which I am informed and believe was drafted by Oracle's attorney.
14 After reviewing the draft declaration, I edited the draft and I understand that my proposed edits
15 were then provided to Oracle's attorney.

16 4. Attached hereto as Exhibit A is a true and correct copy of the revised draft
17 declaration containing my proposed edits. In my revised version, the information I proposed to
18 add is the underlined language and the information I proposed to delete is has a line through it.

19 5. Thereafter, I was informed that Oracle did not believe the information I proposed
20 to add was necessary, and I was provided with another declaration, which I signed in July 2009.
21 A true and correct copy of the declaration I signed in 2009 is attached hereto as Exhibit B.

22 6. While the information included in the declaration I signed in 2009 is accurate, it is
23 not complete. The information contained in the draft declaration in Exhibit A is a more complete
24 statement.

25 7. I believe now and believed in 2004 that had Cowlitz County not entered into a
26 service agreement with TomorrowNow, we would nevertheless have cancelled our service
27 agreement with PeopleSoft at that time and would have supported our PeopleSoft applications in-
28 house and with whatever outside consulting assistance we needed, either from PeopleSoft on a

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time and materials basis or from another consultant or support vendor. I believe now and believed in 2004 that Cowlitz County could have obtained the tax and regulatory updates it needed without PeopleSoft's assistance.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration is executed at Kelso, Washington, Cowlitz County on March 4, 2010.

By: Kathy M Sauer
KATHY SAUER

Exhibit A

1 BINGHAM MCCUTCHEN LLP
DONN P. PICKETT (SBN 72257)
2 GEOFFREY M. HOWARD (SBN 157468)
HOLLY A. HOUSE (SBN 136045)
3 ZACHARY J. ALINDER (SBN 209009)
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14 Attorneys for Plaintiffs
Oracle USA, Inc., *et al.*

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 ORACLE USA, INC., a Colorado Corporation, *et*
20 *al.*,

21 Plaintiffs,

22 v.

23 SAP AG, a German corporation, *et al.*,

24 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**DECLARATION OF [KATHY
SAUER], [SYSTEMS
ADMINISTRATOR] OF COWLITZ
COUNTY, WASHINGTON**

1 seriously consider any other third-party service options for the PeopleSoft applications Oracle
2 (f.k.a. PeopleSoft) was servicing at that time besides Oracle and TomorrowNow. However, the
3 County actively researched and considered the option of discontinuing its service agreement with
4 PeopleSoft and fully supporting the software in-house.

5 ~~7. Cowlitz County would have remained on Oracle support if TomorrowNow had not~~
6 ~~offered to provide superior software support at a steep discount to Oracle's current support rates.~~

7 8. Had Cowlitz County known that TomorrowNow did any of the following activities: (i)
8 misused Customer Connection passwords and credentials; (ii) wrongfully downloaded Oracle
9 proprietary information from Oracle's Customer Connection; (iii) delivered updates in a form
10 that was not legal; (iv) wrongfully copied Oracle proprietary software; and (v) wrongfully
11 maintained Oracle proprietary software on TomorrowNow's servers, Cowlitz County would not
12 have entered into a software support services agreement with TomorrowNow. In light of ~~Despite~~
13 the budgetary and other concerns that led Cowlitz County to choose TomorrowNow service, as
14 referenced above, with this information Cowlitz County believes it would have simply
15 ~~continued~~ not to renew its to receive software support services agreement with
16 Oracle and relied on its own in-house technicians backstopped if necessary by time and materials
17 services from PeopleSoft.

18 I declare under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct and that this declaration is executed at _____,
20 _____ on _____, 2009.

21
22 By: _____
23 [NAME] KATHY SAUER

Exhibit B

1 BINGHAM MCCUTCHEN LLP
DONN P. PICKETT (SBN 72257)
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14 Attorneys for Plaintiffs
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 ORACLE USA, INC., a Colorado Corporation, *et*
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**DECLARATION OF KATHY SAUER,
SYSTEMS ADMINISTRATOR OF
COWLITZ COUNTY, WASHINGTON**

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Case No. 07-CV-01658 PJH (EDL)

DECLARATION OF KATY SAUER, SYSTEMS ADMINISTRATOR OF
COWLITZ COUNTY, WASHINGTON

SAP-SKC-118352

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By: Kathy m Sauer
KATHY SAUER