

EXHIBIT A

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

ORACLE USA, INC., et al.,)
)
 Plaintiffs,)
)
 - vs -) No. 07-CV-1658 PJH
)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW, INC., a)
Texas corporation, and DOES 1-50,)
inclusive,)
)
 Defendants.)

Videotaped Rule 30(b)(6) deposition of
PEPSIAMERICAS, INC., through JOHN KREUL, taken before
TRACY L. BLASZAK, CSR, CRR, and Notary Public, pursuant
to the Federal Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, at Suite 1400, 1475 East Woodfield Road, in
the Village of Schaumburg, Cook County, Illinois at 8:35
a.m. on the 2nd day of June, A.D., 2009.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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MS. HOUSE: Q My question to you is: Now
Mr. Nelson seems to be asking Pepsi to go and figure out
if it was in compliance with its agreement with its
licenses with PeopleSoft, right? Did you understand he
was asking you to do that?
A Yes.

11:52:50 1
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11:53:14 9 Q There is a sub bullet point, the last one, it
11:53:16 10 says, "Perform legal review of company's service model
11:53:21 11 and contracts."
11:53:21 12 Do you see that?
11:53:22 13 A Yes.
11:53:22 14 Q What did that mean?
11:53:23 15 MS. HOUSE: Asked and answered.
11:53:27 16 THE WITNESS: We reviewed the TomorrowNow contract
11:53:32 17 to see if we felt it was a legal service model.
11:53:36 18 MR. McDONELL: Q And did you have your attorneys
11:53:37 19 involved in that review?
11:53:40 20 A Yes.
11:53:40 21 Q And did your attorneys participate in reviewing
11:53:45 22 your agreements with PeopleSoft in terms of what you
11:53:49 23 were allowed to do or not do under the PeopleSoft
11:53:53 24 agreements?
11:53:53 25 A To review the PeopleSoft agreements?

| | | | |
|----------|----|---|----------------------------|
| 11:53:58 | 1 | Q | Yes. |
| 11:53:58 | 2 | A | Yes, that review was done. |
| 11:54:00 | 3 | | |
| 11:54:03 | 4 | | |
| 11:54:05 | 5 | | |
| 11:54:11 | 6 | | |
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11:55:08 1
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Q In going into the decision whether to enter the relationship with TomorrowNow, did anyone from PepsiAmericas raise a question about whether that was legal?

A No.

Q But PepsiAmericas did go back and review its PeopleSoft agreements before entering into the agreement with TomorrowNow, right?

A Yes.

1 STATE OF ILLINOIS)

) ss:

2 COUNTY OF COOK)

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4 The within and foregoing deposition of the
5 aforementioned witness was taken before TRACY L.
6 BLASZAK, CSR, CRR, and Notary Public, at the place, date
7 and time aforementioned.

8 There were present during the taking of the
9 deposition the previously named counsel.

10 The said witness was first duly sworn and was
11 then examined upon oral interrogatories; the questions
12 and answers were taken down in shorthand by the
13 undersigned, acting as stenographer and Notary Public;
14 and the within and foregoing is a true, accurate and
15 complete record of all of the questions asked of and
16 answers made by the aforementioned witness, at the time
17 and place hereinabove referred to.

18 The signature of the witness was not waived,
19 and the deposition was submitted, pursuant to
20 Rules 30(e) and 32(d) of the Rules of Civil Procedure
21 for the United States District Court, to the deponent
22 per copy of the attached letter.

23 The undersigned is not interested in the within
24 case, nor of kin or counsel to any of the parties.

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Witness my official signature and seal as
Notary Public in and for Cook County, Illinois, on this
4th day of June, A.D. 2009.

Tracy L. Blaszak
TRACY L. BLASZAK, CSR, CRR
Illinois CSR No. 084-002978

