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Electronically
FILED
by Superior Court of California, County of San Mateo
ON 10/5/2018
By /s/ Crystal Swords
Deputy Clerk

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11 Attorneys for Defendant
ORACLE AMERICA, INC.

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN MATEO

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16 RONG JEWETT, SOPHY WANG, XIAN
MURRAY, ELIZABETH SUE PETERSEN,
17 MARILYN CLARK AND MANJARI KANT,
individually and on behalf of all others similarly
18 situated,

Plaintiffs,

19 v.

20 ORACLE AMERICA, INC.,

21 Defendant.
22

Case No. 17CIV02669

**DEFENDANT ORACLE AMERICA,
INC.'S ANSWER TO PLAINTIFFS'
FOURTH AMENDED CLASS ACTION
COMPLAINT**

Assigned for all purposes to the Honorable
V. Raymond Swope
Department 23

Trial Date: Not Set

Date Action Filed: June 16, 2017

1 Defendant Oracle America, Inc. (“Defendant”) hereby answers the unverified Fourth
2 Amended Class Action Complaint (“Complaint”) filed by Plaintiffs Rong Jewett, Sophy Wang,
3 Xian Murray, Elizabeth Sue Petersen, Marilyn Clark, and Manjari Kant as follows:

4 **GENERAL DENIAL**

5 Pursuant to California Code of Civil Procedure § 431.30(d), Defendant generally denies
6 each and every material allegation of the Complaint and further denies that Plaintiffs have been
7 damaged in the manner or amount alleged, or in any manner or amount.

8 **FIRST DEFENSE**

9 The Complaint, as well as the purported causes of action therein, is barred to the extent it
10 fails to state a claim upon which relief can be granted.

11 **SECOND DEFENSE**

12 The Complaint, as well as the purported causes of action therein, is barred to the extent
13 that some individuals Plaintiffs purport to represent agreed to submit the claims raised in the
14 Complaint to binding arbitration.

15 **THIRD DEFENSE**

16 The Complaint, as well as the purported causes of action therein, fails to the extent that
17 Plaintiffs failed to timely exhaust administrative remedies or conditions precedent to filing suit.

18 **FOURTH DEFENSE**

19 The Complaint, as well as the purported causes of action therein, fails as any wage
20 differentials between putative Class members and persons of a different gender performing the
21 same or substantially similar work were due to bona fide factors other than sex, which were
22 applied reasonably and account for the entire wage differential.

23 **FIFTH DEFENSE**

24 The Complaint, as well as the purported causes of action therein, fails to the extent that
25 any action taken by Defendant is protected by the doctrine of business necessity.

26 **SIXTH DEFENSE**

27 The Complaint, as well as the purported causes of action therein, fail to the extent that
28 Plaintiffs and the purported Class failed to exercise reasonable care and diligence to mitigate their

1 alleged damages. Alternatively, Defendant alleges that any recovery by Plaintiffs and the
2 purported Class should be reduced by those damages they failed to mitigate.

3 **SEVENTH DEFENSE**

4 The Complaint, as well as the purported causes of action therein, fails to the extent that
5 any alleged conduct or omission by Defendant was not the cause in fact or proximate cause of any
6 injury alleged by Plaintiffs and the purported Class.

7 **EIGHTH DEFENSE**

8 The Complaint, as well as the purported causes of action therein, fails to the extent that
9 should it be determined that Plaintiffs and the purported class have been damaged, then said
10 damages were proximately caused by their own conduct.

11 **NINTH DEFENSE**

12 The Complaint, as well as the purported causes of action therein, fails to the extent that
13 some or all of Plaintiffs' claims are barred by the doctrines of *in pari delicto*, unclean hands
14 and/or after-acquired evidence.

15 **TENTH DEFENSE**

16 The Complaint, as well as the purported causes of action therein, fails as any violations
17 were not willful.

18 **ELEVENTH DEFENSE**

19 The Complaint, as well as the purported causes of action therein, fails to the extent that
20 Plaintiffs and the purported Class are not entitled to equitable relief because they failed to avail
21 themselves of or exhaust plain, adequate, or complete remedies of law available to them.

22 **TWELFTH DEFENSE**

23 The Complaint, as well as the purported causes of action therein, fails to the extent that
24 the Plaintiffs' claims and those of the purported Class are barred by the applicable statute of
25 limitations.

26 **THIRTEENTH DEFENSE**

27 The Complaint, as well as the purported causes of action therein, fails to the extent that
28 Plaintiffs and the purported Class unreasonably delayed bringing this action to the prejudice of

1 Defendant, and therefore the Complaint, and each purported cause of action therein, is barred by
2 the doctrine of laches.

3 **FOURTEENTH DEFENSE**

4 The Complaint, as well as the purported causes of action therein, fails to the extent that
5 some or all of Plaintiffs' and the purported Class' claims are settled, released, relinquished and/or
6 they waived any right to the claims upon which they now seek relief and/or their claims are
7 barred by payment, setoff, and/or accord and satisfaction.

8 **FIFTEENTH DEFENSE**

9 The Complaint, as well as the purported causes of action therein, fails to the extent that
10 Plaintiffs and the purported Class, by their acts or omissions, are estopped from asserting any
11 claims upon which they now seek relief.

12 **SIXTEENTH DEFENSE**

13 The Complaint, as well as the purported causes of action therein, fails to the extent
14 Plaintiffs are barred from any recovery in this action because Defendant's conduct was a just and
15 proper exercise of managerial discretion and business judgment.

16 **SEVENTEENTH DEFENSE**

17 The Complaint, as well as the purported causes of action therein, fails to the extent the
18 claims of Plaintiffs and the purported Class were subject to a good-faith dispute about whether
19 wages were owed.

20 **EIGHTEENTH DEFENSE**

21 The Complaint, as well as the purported causes of action therein, fails to the extent that
22 Plaintiffs, as former employees, lack standing to seek injunctive relief.

23 **NINETEENTH DEFENSE**

24 The Complaint, as well as the purported causes of action therein, fails to the extent
25 Plaintiffs lack standing to assert the legal rights or interests of others.

26 **TWENTIETH DEFENSE**

27 The Complaint, as well as the purported causes of action therein, fails to the extent that
28 adjudication of Plaintiffs' claims on a class-wide or representative basis would violate

1 Defendant's right to due process and a jury trial.

2 **RESERVATION OF RIGHTS**

3 Defendant hereby gives notice that it intends to reply upon such other and further defenses
4 as may become available during discovery in this action and reserves its right to amend its
5 Answer to assert such defenses to the extent permitted by the applicable rules.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Defendant prays for relief as follows:

- 8 1. That the Complaint be dismissed with prejudice and that Plaintiffs take nothing
9 thereby;
- 10 2. That judgment be entered in favor of Defendant on all claims for relief;
- 11 3. That Defendant be awarded attorneys' fees and costs of suit; and
- 12 4. For such other and further relief as this Court may deem proper.

13 Dated: October 5, 2018

GARY R. SINISCALCO
JESSICA R. PERRY
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KATHRYN G. MANTOAN
Orrick, Herrington & Sutcliffe LLP

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17 By: 
18 ERIN M. CONNELL
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Oracle America, Inc.

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PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94105. My electronic service address is cflores@orrick.com.

On October 5, I served the interested parties in this action the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S ANSWER TO PLAINTIFFS' FOURTH AMENDED CLASS ACTION COMPLAINT


by serving true copies of these documents via electronic mail in Adobe PDF format the document(s) listed above to the electronic addresses set forth below:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, at San Francisco, California.


Christine J. Flores