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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. 07-CV-1658 PJH (EDL)

DECLARATION OF JOSHUA L. FUCHS IN SUPPORT OF DEFENDANTS' OPPOSITION TO ORACLE'S MOTION TO MODIFY THE PROTECTIVE ORDER AND TO COMPEL DEPOSITION TESTIMONY AND FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS

DISCOVERY MATTER

1 I, Joshua L. Fuchs, declare as follows:

2 1. I am an associate in the law firm of Jones Day, 717 Texas, Suite 3300, Houston,
3 Texas, a member in good standing of the bar of Texas and admitted *pro hac vice* and counsel of
4 record for Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. in the above-
5 captioned action. I make this declaration based on personal knowledge and, if called upon to do
6 so, could competently testify thereto. Nothing in this declaration is intended to waive, or should
7 be construed as a waiver of, the attorney-client privilege or attorney work product immunity.

8 **RFA Counts**

9 2. On September 27, 2007, Oracle served a set of RFAs containing 154 requests on
10 Defendant TomorrowNow, Inc (“TN”). On May 20, 2009, Oracle served a second set of RFAs
11 containing 545 requests on all Defendants. Also on May 20, 2009, Oracle served a third set of
12 RFAs containing 50 requests on all Defendants. On September 30, 2009, Oracle served a fourth
13 set of RFAs containing 279 requests on all Defendants. On October 23, 2009, Oracle served a
14 fifth set of RFAs containing 202 requests on all Defendants. On November 2, 2009, Oracle
15 served a sixth set of RFAs containing 85 requests on all Defendants. Therefore, Oracle has
16 served a total of 1,315 RFAs on Defendants.

17 3. In Oracle’s Motion, it has moved to compel further responses to 316 of Oracle’s
18 1,315 RFAs served on Defendants.

19 4. A review of the of the 1,315 RFAs shows that 539 of those requests contain the
20 term “copy,” and out of the 223 RFAs put at issue in Oracles’ Motion relating to Oracle’s Second
21 Set of RFAs to Defendants Nos. 496-680 and Oracle’s Third Set of RFAs to Defendants Nos. 13-
22 50, a total of 118 contain the term “copy.”

23 5. The specific requests from 496-680 that are put at issue in Oracle’s Motion and
24 that contain the word “copy” are: 500-507, Amended 512-Amended 519, Amended 524-
25 Amended 527, Amended 532-Amended 535, Amended 540-Amended 559, 564-571, 611-614,
26 629-632, 641-648, 655-662, and 669-676. *See* Russell Decl. (D.I. 571), Ex. W.

27 6. The specific requests from 13-50 that are put at issue in Oracle’s Motion and that
28 contain the word “copy” are: 13-44 and 46-47. *See* Russell Decl. (D.I. 571), Ex. Y.

1 7. The specific requests from 496-680 that are put at issue in Oracle's Motion and
2 that contain the words "Fix" or "Update" are: 496-507, Amended 508-Amended 519, 520-523,
3 Amended 524-Amended 527, 528-531, Amended 532-Amended 535, 536-539, Amended 540-
4 Amended 563, 564-579, 595-614, and 629-680. *See* Russell Decl. (D.I. 571), Ex. W.

5 8. The specific requests from 13-50 that are put at issue in Oracle's Motion and that
6 contain the words "Fix" or "Update" are: 19-22. *See* Russell Decl. (D.I. 571), Ex. Y.

7 9. The specific requests from 496-680 that are put at issue in Oracle's Motion and
8 that contain the term "Generic Environment" are: Amended 508-Amended 519, Amended 524-
9 Amended 527, Amended 532-Amended 535, and Amended 540-Amended 563. *See* Russell Decl.
10 (D.I. 571), Ex. W.

11 10. The specific requests from 13-50 that are put at issue in Oracle's Motion and that
12 contain the term "Generic Environment" are: 17-18, 27-28, and 44. *See* Russell Decl. (D.I. 571),
13 Ex. Y.

14 **Stipulation Discussions**

15 11. The parties met and conferred regarding a joint stipulation concerning the steps
16 taken to scope, develop, test and deliver objects to TN's HRMS PeopleSoft payroll customers
17 which was one part of TN's business. Defendants submitted a stipulation proposal to Oracle on
18 July 14, 2009.

19 12. Following Defendants' stipulation proposal, Defendants served their responses to
20 Oracles' Second Set of RFAs on July 20, 2009 including 496-680.

21 **Discussions Regarding Definitions**

22 13. In Oracle's Second Set of RFAs to Defendants, served on May 20, 2009, Oracle
23 defined "generic environment" as "any Local Environment named without reference to any
24 specific Customer (e.g., HR751CSS)." A true and correct excerpt of Oracle's Second Set of
25 RFAs to Defendants, served on May 20, 2009 containing the defined term "generic environment"
26 is attached as **Exhibit A** to this declaration.

27 14. The definition stated in paragraph 13 above is the definition that Defendants
28 originally objected to and it was that objection that was contained in Oracle's Motion. Exhibit V

1 to Mr. Russell's declaration is not a true and correct copy of portions of Oracles' Second Set of
2 Requests for Admissions to Defendants but rather a copy of "Oracles' Revised Second Set of
3 Requests for Admission to Defendants." (emphasis added) *See* Russell Decl. (D.I. 571), Exh. V at
4 1. This revised set was created as a result of the Parties meet and confer efforts and includes
5 definition and request changes, including a revised definition of "generic environment."

6 15. John Baugh, who was head of the environments team at TN for a period of time
7 and was presented for two days of Rule 30(b)(6) testimony on behalf of TN concerning
8 environment components, only used the term "generic environment" once during that testimony
9 and only after Oracle's counsel had used the term at least 21 times in his questioning, including in
10 the question for which Mr. Baugh used the term. A true and correct compilation of the deposition
11 testimony from Mr. Baugh's February 6 and 7, 2008 deposition which contains the questions and
12 answers that have the terms "Generic Environment" or "Generic Environments" in them is
13 attached to this declaration as **Exhibit B**. This compilation includes Oracle counsel's notation
14 that "generic environment" was a term that he created for the purpose of his questioning. *See*
15 Exhibit B at 3 (referring to p. 139:14-18 of the testimony). Last, I ran a search for "generic
16 environment" and "generic environments" across the 10,395,592 Bates numbered pages produced
17 on behalf of TN and only received 45 hits.

18 16. During meet and confer communications related to the term "generic
19 environment," Defendants stated that they were willing to amend their responses to the RFAs
20 similar to 542 by replacing the phrase "one environment specific to TomorrowNow's retrofit
21 support of specific TomorrowNow customers" with "in one environment that was both specific to
22 TomorrowNow's retrofit support of, and used to support a specific sub-set of, TomorrowNow
23 customers designated to receive retrofit support."

24 17. Further, Defendants were in good faith willing to reexamine RFAs using the term
25 "copy" and informed Oracle of that during the meet and confer process. Oracle's request for this
26 reexamination, however, was not limited to the 223 RFAs put at issue by its Motion but all of the
27 1,315 RFAs served in the case. During the meet and confer process, it was expressed to Oracle
28 that if Oracle was willing to define "copy" as "the word's plain meaning" and withdraw Oracle's

1 previous definitions of that term, then Defendants will no longer rely on their objection to “copy,”
2 and will constructively remove that objection from Defendants’ responses. Because there are
3 hundreds of requests that contain the term “copy” and many of those will not need to be
4 supplemented simply because of the definition change, Defendants during the meet the confer
5 sought to avoid the time and burden to amend each set of objections for those requests simply to
6 take out the objection to the term “copy.” Oracle rejected Defendants proposals.

7 18. As an example, RFA 15 from the third set states: “For each item 1-33186 on
8 Exhibit D, admit that a Copy of the listed Fix Object was Created using a Local Environment that
9 did not solely consist of an installation from, a Copy of, or an installation from a Copy of
10 software received from or on behalf of the recipient stated for the respective item.” *See* Russell
11 Decl. (D.I. 571), Ex. Y. The response currently states as follows: “Subject to the General
12 Objections and these specific objections, after a reasonable inquiry and based on Defendants’
13 understanding of these questions, Defendants lack sufficient information to respond to these
14 requests as the information sought was not tracked, recorded, or maintained by TomorrowNow in
15 a ‘readily obtainable manner.’ On this basis, therefore, these requests are DENIED.” *See* Russel
16 Decl. (D.I. 571), Ex. Y. This response would not need to be changed simply because of the
17 definitional change of “copy.”

18 **Description of Fix Container and Update Container**

19 19. The following screenshot is the high-level folder structure of the fix container for
20 WMI-TN-0102085972. It shows that within that container there are two sub-folders. The folder
21 0102085972_INSTALL contains documentation about the objects contained within this fix
22 container. The folder 0102085972, contains the objects themselves.

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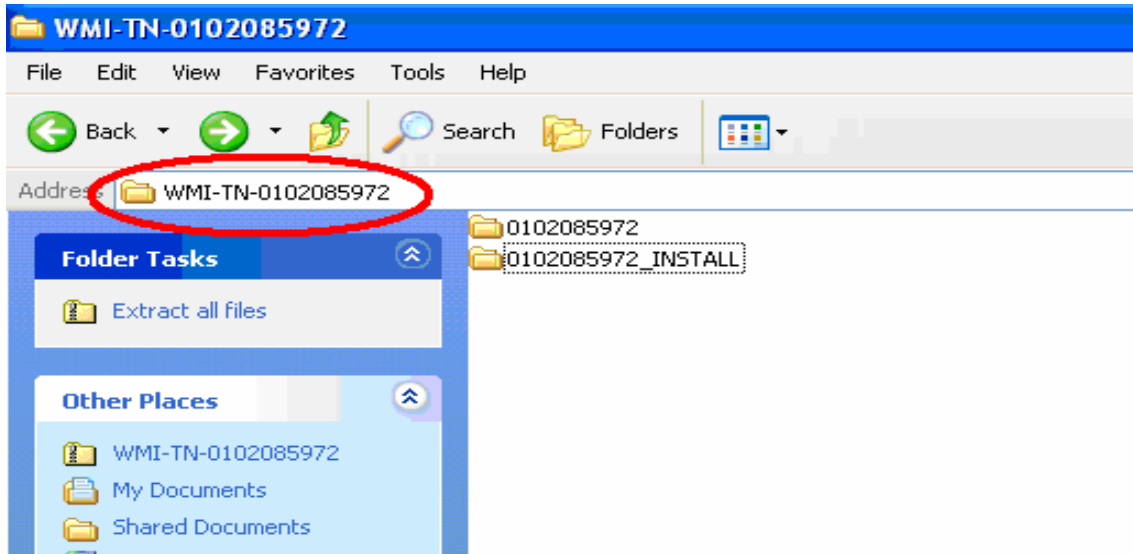
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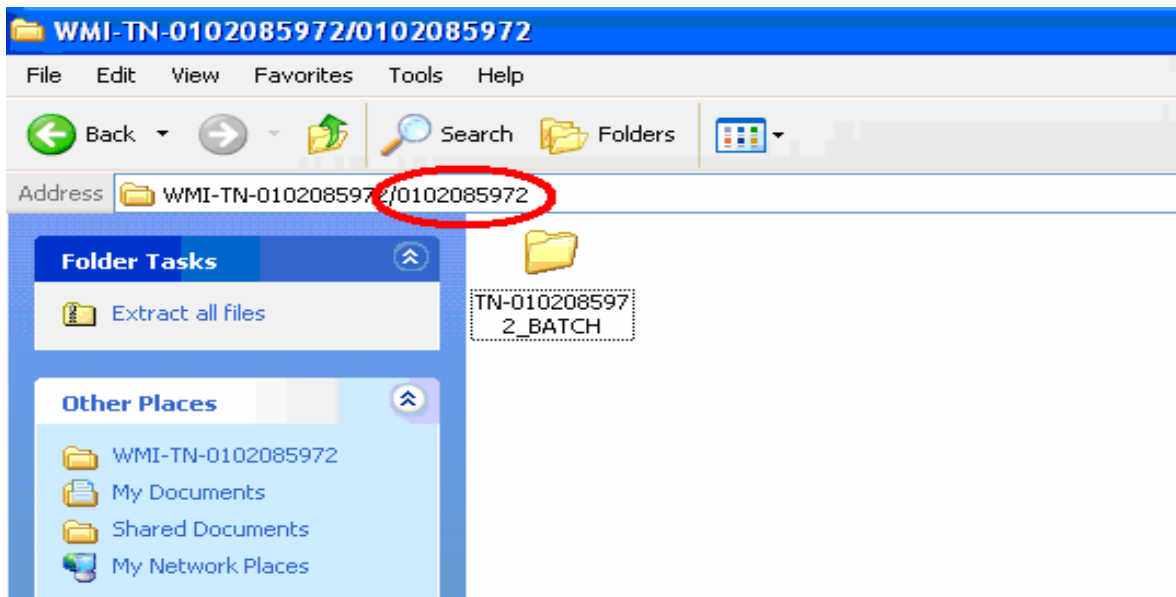
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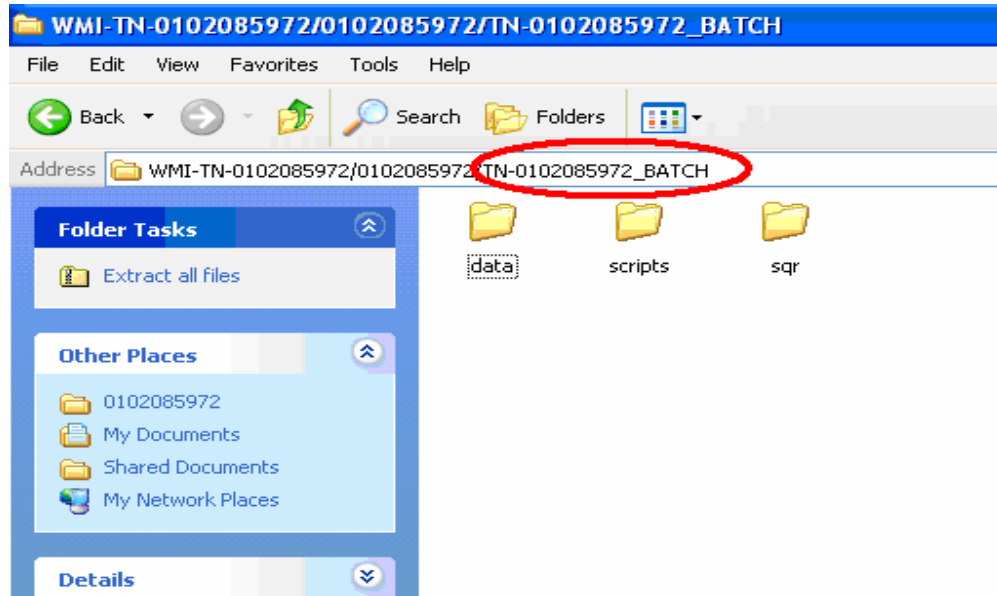


20. The following screenshot shows the sub-folder TN-0102085972_BATCH located in folder 0102085972.

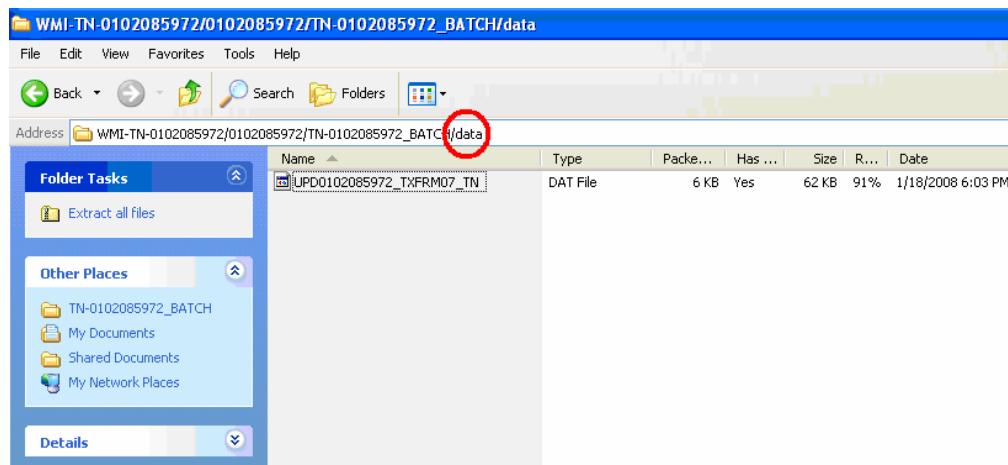


21. The following screenshot shows the three object folders located in the fix container WMI-TN-0102085972 and specifically in the folder TN-0102085972_BATCH. The objects are: (1) .dat files, (2) .dms files (also referred to as script files), and (3) .sqr files.

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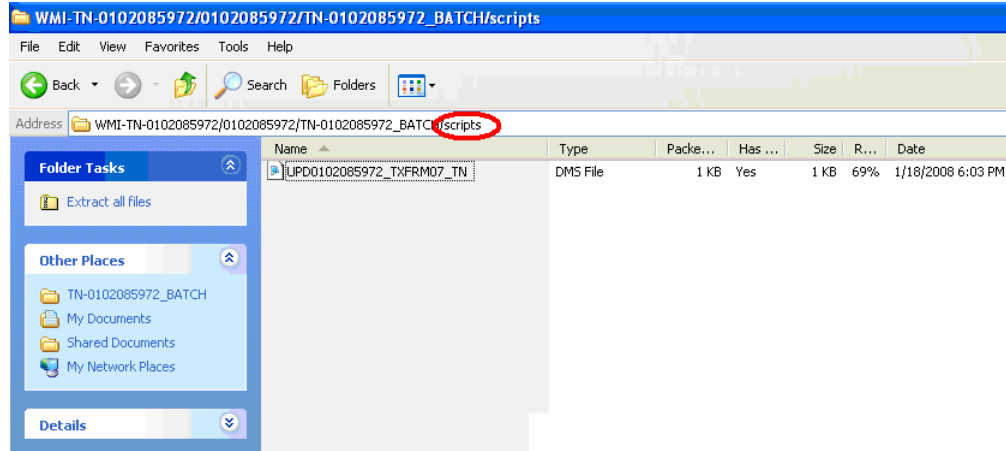


22. The following screenshot shows the single .dat object file that was prepared for delivery to Waste Management as part of the fix container for WMI-TN-0102085972. This .dat object file is located in the data folder shown above.

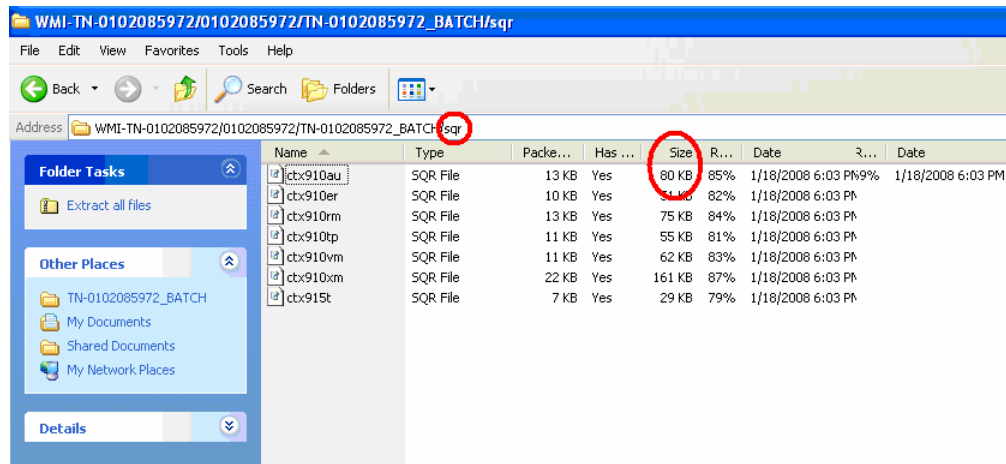


23. The following screenshot shows the single .dms (script) object file prepared for delivery to Waste Management as part of the fix container for WMI-TN-0102085972. This .dms (script) object file is located in the script folder shown above.

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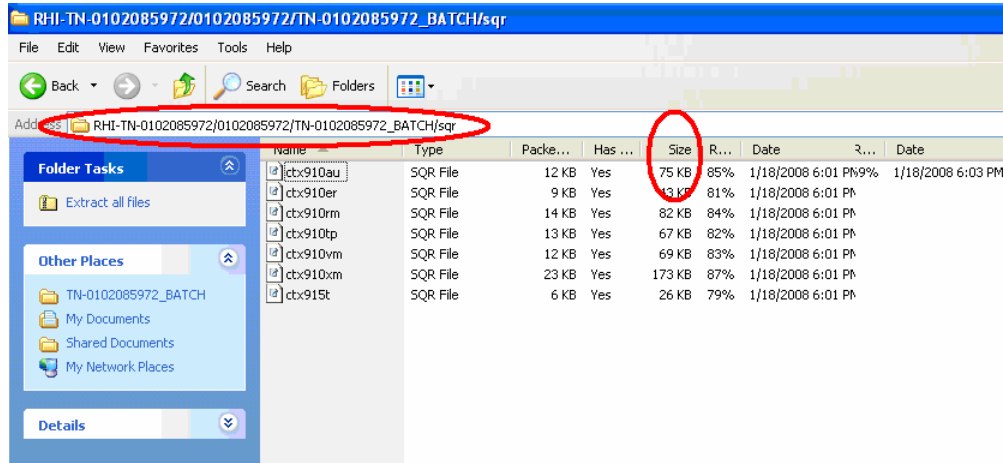
24. The following screenshot shows the seven .sqr object files prepared for delivery to Waste Management as part of the fix container for WMI-TN-0102085972. These seven .sqr object files are located in the sqr folder shown above.



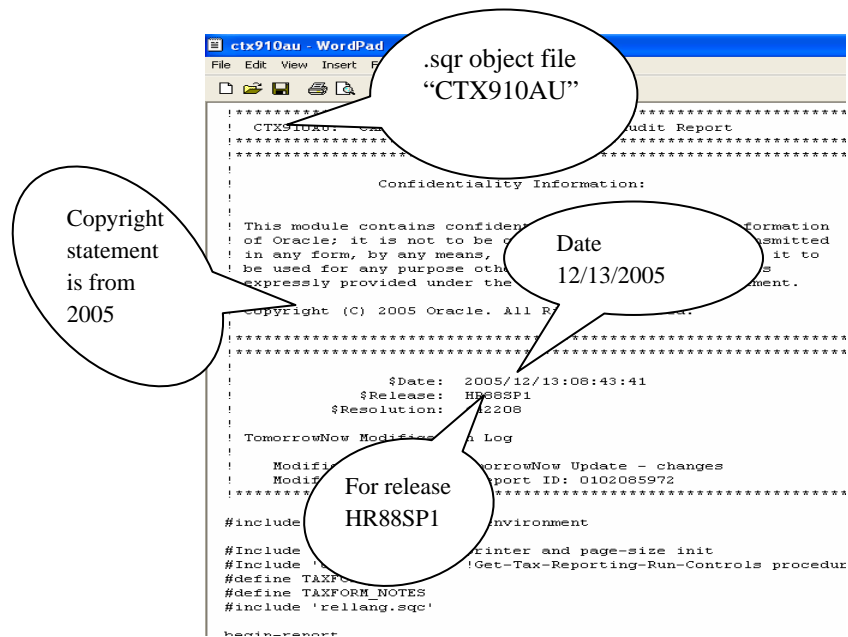
25. Therefore, for this single customer-specific fix, there are a total of nine objects.

26. Likewise, the following screenshot shows the seven .sqr object files prepared for delivery to Robert Half International as part of fix container for RHI-TN-0102085972, which is referenced to the master fix CSS-TN-0102085972. These seven .sqr object files are located under Robert Half’s sqr folder as highlighted in the file path below. This folder structure is identical to Waste Management’s as shown by the file path. These seven .sqr object files have the same name

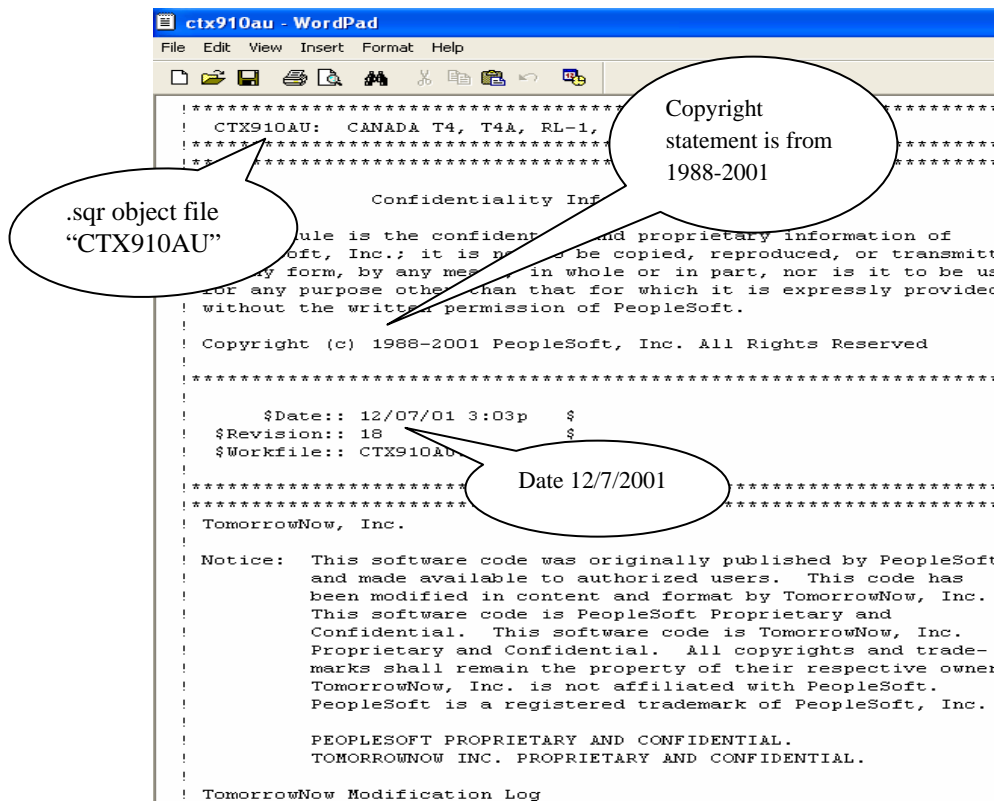
1 as the seven .sqr object files shown above for Waste Management; however, they are different.
 2 The .sqr object file sizes for each do not match. The sqr “ctx910au” for Waste Management has
 3 a file size of 80kb while the same named file for Robert Half is 75kb.



12 27. A comparison of the header portion of the actual files in the screenshot below
 13 shows that the objects are not the same. The screenshot below shows the .sqr object file
 14 “ctx910au” that was prepared for delivery to Waste Management as part of fix container for
 15 WMI-TN-0102085972. This .sqr object file states that it was created for release “HR88SP1” and
 16 it states that it is dated 2/13/2005. The screenshot also indicates that the copyright statement has
 17 a date of 2005.



1 28. The following screenshot shows that the same named .sqr object file “ctx910au”
 2 that was prepared for delivery to Robert Half as part of fix container RHI-TN-0102085972.
 3 While this .sqr object file has the same name, it is not simply a replica of the “ctx910au” .sqr
 4 object file contained in fix container for WMI-TN-0102085972. This object notes a date of July
 5 12, 2001. Further, it shows a copyright statement date of between 1988 to 2001. This .sqr object
 6 file also does not list “HR88SP1.”



21 29. The master fix record and the Waste Management fix container referenced in the
 22 paragraphs above are listed in footnote 8 in Oracle’s Motion. That footnote states that Oracle
 23 offered to amend Exhibit B to name customer specific fix containers as opposed to the master fix
 24 records and that Defendants stated that doing so would not change Defendants’ responses.
 25 Defendants did not state that doing so would not change their answers. Rather, Defendants stated
 26 that it would be necessary to see such a revision before committing to a response, and to the
 27 extent the request would then be written in a way that required Defendants to evaluate the history
 28 of 1000s of objects, Defendants would likely raise a burden argument.

1 30. There are approximately 96 objects that were prepared for delivery to the ten
2 customers identified as having the issue identified with Master Fix record CSS-TN-0102085972.

3 **Exhibits to Oracle's RFAs and Associated Counts**

4 31. Oracle's Exhibit A to its Second Set of RFAs contains a printout of a list of the
5 master bundle records from the SAS database. It is not a list of actual bundle containers prepared
6 for delivery to customers.

7 32. Oracle's Exhibit B to its Second Set of RFAs contains a printout of a list of the
8 master fix records from the SAS database. It is not a list of actual fix containers prepared for
9 delivery to customers.

10 33. Oracle's Exhibit D to its Third Set of RFAs is a 973 page, small font spreadsheet
11 with 33,186 listings of file paths that contain objects.

12 34. Oracles' RFAs 13-50 from the third set and RFAs 130-162 from the fifth set all
13 reference Exhibit D and request an admission to either all, or a subset of the, 33,186 objects listed.
14 RFAs 13-44 and 130-159 make requests for each of the 33,186 objects listed. Together, this is 62
15 numbered requests multiplied by 33,186 which equals 2,057,532 number of requests which
16 require an answer. RFAs 45-50 and RFAs 160-162 make requests for 14,725 objects listed.
17 Together, this is 9 numbered requests multiplied by 14,725 which equals 132,525 number of
18 requests which require an answer.

19 **Definition of Fix**

20 35. Oracles' technical expert, Kevin Mandia, defines a "Fix" as:

21 "Fix" means any software application patch, fix, code change, or Update,
22 including bug fixes, tax or regulatory updates, or Bundles. Fixes typically address
23 known or reported issues with the functionality of the software that can be
24 corrected by applying new or modified code or other data, in the form of Fix
25 Objects, for example to address new regulatory requirements that affect payroll
26 software. They can be delivered individually, or grouped with other Fixes and
27 delivered as Updates or bundles. With respect to the PeopleSoft product family,
28 Fixes typically included one or more of the following types of files: COBOL
source code files, SQR files, SQC files, DAT files, DMS files (Data Mover Script
files), Project Files, Online Objects, and documentation.

1 **Interrogatory 14**

2 36. Defendant TomorrowNow, Inc.'s Third Amended and Supplemental Response to
3 Plaintiff Oracle USA, Inc.'s Second Set of Interrogatories No. 14 ("Interrogatory 14") and RFAs
4 13-50 and 130-162 all request detailed descriptions for how environments at TN were used to
5 create, develop and test objects. In response to Interrogatory 14 and this Court's August 31, 2009
6 Order limiting Defendants response to 10 specific master fix records, Defendants provided Oracle
7 a 136 page response. A true and correct copy of the request and response is attached to this
8 declaration as **Exhibit C**.

9 37. To provide the narrative responses in Interrogatory 14, TomorrowNow, reviewed
10 extensive records including data from the SAS and BakTrak databases, TomorrowNow's servers,
11 produced documents, deposition testimony, and either communicated with or attempted to
12 communicate with numerous former TomorrowNow employees that appeared to be involved in a
13 substantive way with each master fix record for which a response was provided. *See* Exhibit C at
14 137-146.

15 38. Defendants' response contained a description of approximately 1,772 objects
16 reasonably believed to be made available to specific customers in relation to the ten identified fix
17 records. *See* Exhibit C.

18 39. To provide that response Defendants expended over 500 attorney hours. *See*
19 Exhibit C at 137-138.

20 40. Based on the prior time and costs associated with Interrogatory 14, if Defendants'
21 objections were overruled and were compelled to respond to RFAs Nos. 13-50 in Set No. 3 and 4-
22 63 and 130-162 in Set No. 5 in the manner in which Oracle seeks a response, Defendants
23 anticipate having to spend literally thousands of attorney hours, costing millions of dollars, to
24 respond to the literally millions of requests contained in those RFAs.

25 **Interrogatory 11**

26 41. RFAs 4 - 63 from the fifth set relate to file paths identified in Defendants'
27 response to Defendant TomorrowNow, Inc.'s Eighth Amended and Supplemental Response to
28 Plaintiff Oracle Corporation's First Set of Interrogatories (Set One) No. 11 ("Interrogatory 11").

1 A true and correct copy of the Interrogatory 11 request and response is attached to this declaration
2 as **Exhibit D**. The response to Interrogatory 11 contains 84 distinct file paths in all amended and
3 supplemental responses. One of those file paths is DCITBU01_G\PeopleSoft.

4 DCITBU01_G\PeopleSoft was produced on four hard drives bates numbered TN-OR 02989991,
5 TN (Hard drive).27; TN-OR 02989992, TN (Hard drive).28; TN-OR 02989993, TN (Hard
6 drive).29; and TN-OR 02989994, TN (Hard drive).30 on October 25, 2008 date. At my direction,
7 a file count for each hard drive was obtained using the software program EnCase. For TN-OR
8 02989991, TN (Hard drive).27, there were approximately 731,537 files listed. For TN-OR
9 02989992, TN (Hard drive).28, there were approximately 1,037,144 files listed. For TN-OR
10 02989993, TN (Hard drive).29, there were approximately 1,030,937 files listed. For TN-OR
11 02989994, TN (Hard drive).30, there were approximately 940,636 files listed. This totals
12 approximately 3,740,254 files. RFAs 5 and 35 specifically ask about DCITBU01_G\PeopleSoft.

13 42. For the DCITBU01_G\PeopleSoft example listed above, assuming it only 30
14 seconds to click and evaluate each of the 3,740,254 files it would take one person approximately
15 1,870,127 minutes which is approximately 31,169 hours or 1,299 days. Based on these estimates,
16 and if Defendants' objections were overruled and were compelled to respond to RFAs Nos. 13-50
17 in Set No. 3 and 4-63 and 130-162 in Set No. 5 in the manner in which Oracle seeks a response,
18 Defendants anticipate having to spend literally thousands of attorney hours, costing millions of
19 dollars, to respond to the literally millions of requests contained in those RFAs.

20 I declare under penalty of perjury under the laws of the United States and the State of
21 California that the foregoing is true and correct.

22 Executed this 5th day of January, 2010 in Houston, Texas.

23
24
25 /s/ Joshua L. Fuchs
26 Joshua L. Fuchs

EXHIBIT A

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

19
 20 ORACLE USA, INC., et al.,
 21 Plaintiffs,
 22 v.
 23 SAP AG, et al.,
 24 Defendants.

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

**PLAINTIFFS' SECOND SET OF
 REQUESTS FOR ADMISSION TO
 DEFENDANTS TOMORROWNOW,
 INC., SAP AG, AND SAP AMERICA,
 INC.**

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1 clients, including without limitation all customers ever listed or described on SAP TN’s website.

2 6. “Customer Connection” means the Oracle-maintained support website for
3 PeopleSoft and JD Edwards customers and all associated Software and Support Materials,
4 hardware, software, physical server locations, and internet protocol addresses.

5 7. “Database” shall mean and include those components of a PeopleSoft
6 Environment generally referred to by the “DATABASE_RESTORE” field in BakTrak, as
7 produced by Defendants at TN-OR06125330, and including PeopleSoft metadata, tables,
8 indexes, PeopleCode, definitions, and application engine files.

9 8. “Defendant(s)” shall mean defendants SAP AG, SAP America, Inc., and
10 TomorrowNow, Inc.

11 9. “Develop,” “Developed,” or other forms of the word shall mean to
12 modify, alter, write, create, generate, code, or program any software file or other discrete unit of
13 software code.

14 10. “Download” means any duplication, Copying, transfer, or replication, in
15 whole or in part, of any file, document, data, or other information from an outside source
16 connected through the internet to a computer, server, or network that is part of another Person’s
17 computer infrastructure or subject to that Person’s control.

18 11. “Employee(s)” means past and present officers, executives, directors,
19 employees, attorneys, agents, representatives, and other Persons acting or purporting to act on
20 behalf of the entity to which the term refers.

21 12. “Environment” shall mean any full or partial install of a PeopleSoft
22 application, and may include the PS_Home portion only, the Database portion only, or both
23 together.

24 13. “Fix” means any software application patch, fix, code change, or update,
25 including bug fixes, tax or regulatory updates or bundles, their constituent discrete units of code,
26 data files, or any other instructional documentation or item.

27 14. “Fix Object” means any discrete unit of code that can contain functions,
28 data, variables, and/or other data structures, including PeopleCode objects, fields, records, pages,

1 menus, components, messages, panels, stored statements, panel groups, rule packages, COBOL
2 source code files, COBOL executables, SQR files, SQC files, writer files, Crystal Reports files,
3 SQL scripts, database creation scripts, DAT files, DMS files, project files, batch files,
4 configuration files, or other similar units of code contained in the PeopleSoft or JD Edwards
5 products serviced or supported by any Defendant.

6 15. "Generic Environment" means any Local Environment named without
7 reference to any specific Customer (e.g., HR751CSS).

8 16. "Including" shall be construed to mean "including without limitation" or
9 "including, but not limited to."

10 17. "Intellectual Property" shall be treated as that term is generally defined
11 and understood and includes, but is not limited to, Oracle-branded applications and/or associated
12 Software and Support Materials (as defined below) as well as software applications and/or
13 associated Software and Support Materials that are PeopleSoft-branded, JD Edwards-branded, or
14 Siebel-branded.

15 18. "Local Environment" shall mean any Environment ever installed on,
16 maintained on, or which ever resided or was present on any computer, storage device, or any
17 other electronic media that was ever in the possession, custody, or control of any Defendant.

18 19. "Online Objects" shall mean and include the following types of
19 components of a PeopleSoft Environment: PeopleCode objects, fields, records, pages, menus,
20 components, messages, panels, stored statements, panel groups, and/or rule packages.

21 20. "Oracle" means plaintiffs Oracle USA, Inc., Oracle International
22 Corporation, and Oracle EMEA Limited, their predecessors, successors, employees, directors,
23 managers, consultants, agents, and any other Person acting on their behalf.

24 21. "PeopleSoft Customers" means Customers for whom TomorrowNow,
25 Inc. ever provided any support or maintenance services for PeopleSoft software applications.

26 22. "Person(s)" means, without limitation, any individual or entity.

27 23. "PS_Home" shall mean and include those components of a PeopleSoft
28 Environment generally referred to by the "NT_RESTORE" and "UNIX_RESTORE" fields in

1 BakTrak, as produced by Defendants at TN-OR06125330, and including application files,
2 PeopleTools, COBOLs, SQRs, writer files, SQL scripts, DMS scripts, Crystal Report files, and
3 configuration files.

4 24. “Registered Works” means the works identified in paragraphs 153 and 155
5 of the Third Amended Complaint and including as identified in Oracle's production on Exhibit Z,
6 and any subsequently added copyright registrations in any later amended complaint.

7 25. “Rimini Street” means Rimini Street, Inc., its predecessors, successors,
8 employees, directors, managers, consultants, agents, and any other Person acting on its behalf.

9 26. “SAP” means defendants SAP AG, SAP America, Inc., their predecessors,
10 successors, employees, directors, managers, consultants, agents, and any other Person acting on
11 their behalf.

12 27. “SAP America” means defendant SAP America, Inc., its predecessors,
13 successors, employees, directors, managers, consultants, agents, and any other Person acting on
14 its behalf.

15 28. “SAP AG” means defendant SAP AG, its predecessors, successors,
16 employees, directors, managers, consultants, agents, and any other Person acting on its behalf.

17 29. “SAP IP” means all copyright registrations related to all releases of all
18 applications contained within SAP’s Business Suite, including, but not limited to, SAP’s
19 Enterprise Resource Planning, Customer Relationship Management, Product Lifetime
20 Management, Supply Chain Management, and Supplier Relationship Management applications.
21 For the avoidance of doubt, this includes all registrations related to SAP R/3 4.0B, SAP R/3
22 4.5B, SAP R/3 4.6B, SAP R/3 4.6C, SAP R/3 4.70, SAP ECC 5.0 ERP, and SAP ECC 6.0 ERP.

23 30. “SAP TN” means defendant TomorrowNow, Inc., its predecessors,
24 successors, employees, directors, managers, consultants, agents, and any other Person acting on
25 its behalf.

26 31. “Software and Support Materials” means, without limitation, all program
27 updates, software updates, bug fixes, patches, custom solutions, and instructional materials,
28 created or owned by Oracle, or derived from, copied from, or based on any such materials,

1 including by SAP AG, SAP America, or SAP TN, across the entire family of PeopleSoft-, JD
2 Edwards-, and Siebel-branded products.

3 32. "Update" means any software application patch, fix, or update, including
4 bug fixes, tax or regulatory updates or bundles, their constituent discrete units of code, data files,
5 or any other instructional documentation or item.

6 **REQUESTS FOR ADMISSION**

7
8 **REQUEST FOR ADMISSION NO. 155:**

9 Admit that, prior to 2005, Oracle Software and Support Materials Downloaded by SAP
10 TN on behalf of SAP TN's PeopleSoft Customers were stored in a directory structure titled
11 "PS\PS delivered updates and fixes."

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 155:**

13
14 **REQUEST FOR ADMISSION NO. 156:**

15 Admit that the Oracle Software and Support Materials stored in the "PS\PS delivered
16 updates and fixes" directory structure described in Request for Admission No. 1 have never been
17 organized, separated, or otherwise distinguished by the PeopleSoft Customers on whose behalf
18 they were Downloaded.

19
20 **RESPONSE TO REQUEST FOR ADMISSION NO. 156:**

21
22 **REQUEST FOR ADMISSION NO. 157:**

23 Admit that SAP TN Employees were permitted to access the Oracle Software and
24 Support Materials stored in the "PS\PS delivered updates and fixes" directory structure described
25 in Request for Admission No. 1 for the purpose of supporting Customers after SAP TN allegedly
26 began Downloading on a Customer-by-Customer basis.
27
28

1 support of Customers.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 696:**

3

4 **REQUEST FOR ADMISSION NO. 697 :**

5

6 Admit that SAP sought legal advice from lawyers about the legality of Copying and using
7 Oracle software for Copying and use which took place after March 22, 2007 related to support of
8 Customers.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 697:**

10

11 **REQUEST FOR ADMISSION NO. 698:**

12

13 Admit that each Document marked by Oracle in this action as a deposition exhibit to date
14 meets the authenticity requirements of Federal Rule of Evidence 901.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 698:**

16

17 **REQUEST FOR ADMISSION NO. 699:**

18

19 Admit that each Document produced by Defendants in this action meets the authenticity
20 requirements of Federal Rule of Evidence 901.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 699:**

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23

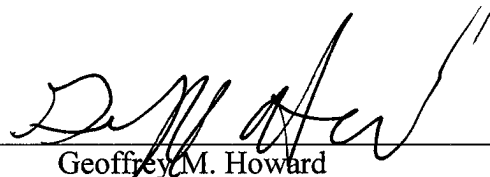
DATED: May 20, 2009

BINGHAM McCUTCHEN LLP

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25

By: _____



26

Geoffrey M. Howard
Attorneys for Plaintiffs

27

Oracle USA, Inc., Oracle International Corporation,
and Oracle EMEA Limited

28

28

EXHIBIT B

COMPILATION OF DEPOSITION TESTIMONY EXCERPTS
REGARDING JOHN BAUGH TESTIMONY

Baugh, John – 2-6-2008

10 Q. Was it then part of your responsibility
11 to build those environments, the client-specific ones
12 you've just described?

13 A. Yes.

14 Q. Did you build any of the **generic** Pg 27 – Ln 14
15 **environments** that were used as part of the retrofit
16 service offering?

17 A. I don't recall if I did.

18 Q. Do you know who did build any of those
19 **generic environments** that were used as part of the Pg 27 - Ln 19
20 retrofit service offering?

21 A. Yes.

1 Q. Anybody else that you know who was
2 responsible for building the **generic environments** that Pg 28 - Ln 2
3 were used as part of the retrofit service offering?

4 A. Not that I could be sure that they did
5 that.

6 Q. How do you know that Andrew Nelson
7 personally built any of the **generic environments** that Pg 28 - Ln 7
8 were used as part of the retrofit update service
9 offering?

10 A. Because he was at one time -- when we
11 started the retrofit, he was the only person in the
12 company who could do that.

6 Q. How do you know that Andrew Nelson
7 personally built any of the **generic environments** that
8 were used as part of the retrofit update service
9 offering?

10 A. Because he was at one time -- when we
11 started the retrofit, he was the only person in the
12 company who could do that.

13 Q. Was he involved in building the **generic** Pg 28 - Ln 13
14 **environments** used to create the retrofit updates after
15 July 2003, when you joined the company?

16 A. Not that I'm aware of, no.

4 Q. As you sit here, do you know any

5 specific **generic environments** that were used for the Pg 29 - Ln 5
6 retrofit update service offering that Andrew Nelson
7 built?
8 A. Not specifically, no.

9 Q. Do you have an understanding of
10 approximately how many of those **generic environments** Pg 29 - Ln 10
11 used for the retrofit service offering that Andrew
12 Nelson did build himself?
13 A. No.

18 Q. Well, all together. Thinking about all
19 of the **generic environments** that were used for Pg 29 - Ln 19
20 retrofit service offerings, how many total
21 environments did that include?
22 A. I'm not sure. I would have to review my
23 documentation.

10 Q. And is there a view, as it's used in SAS
11 database terminology, that would show these **generic** Pg 30 - Ln 11
12 **environments** that were used that you could refer to?
13 A. I think there is a view that does show
14 them, yes.

25 Q. What would be the indicator by type of
1 support for these **generic environments** that were used 31 Pg 31 - Ln 1
2 for the retrofit service offering that you've been
3 describing?
4 A. They would fall into the category of
5 extended support clients.

22 Q. So this is a continuing example of using
23 a **generic environment** to support multiple customers; Pg 44 - Ln 23
24 is that right?
25 A. Yes.

9 Q. Did you ask her -- do you have an
10 understanding as to whether the process of creating
11 regulatory updates for these four customers using the
12 HR751CSS environment is the same process generally
13 that you described with respect to the **generic** Pg 45 - Ln 13
14 **environments** that we were discussing earlier?

15 A. I'm not aware of that exact process, no.

16 Q. Who's the person most involved in
17 supporting these four customers using the HR751CSS
18 database?

19 A. I don't know if there's any one person
20 that would be our development team -- primary
21 development team and QA team.

20 Q. So those are environments that would
21 have just been created as **generic environments** that
22 we've discussed for developing updates for different
23 customers?

Pg 138 - Ln 21

24 MR. FUCHS: Objection, form.

25 A. These would be environments built during
1 our extended support model, that we had a financials
2 customer that were still on PeopleSoft support at the
3 time, and we built a financials environment to support
4 them.

14 Q. So was there some development being done
15 for extended support financials customers using a, as
16 I've called it, **generic environment**, similar to what
17 was done for the HR customers for the regulatory
18 updates?

Pg 139 - Ln 16

19 A. That -- I really don't know the answer
20 to that. There may have been related to 1099 updates.

Baugh, John – 2-7-2008

3 Q. So is it fair to say that all three of
4 these we're looking at, FC752DEV, FC753DEV, and
5 FS803DMO, were likely used as **generic** environments to
6 generate retrofit updates for extended support
7 customers?

Pg 158 - Ln 5

8 A. It's likely they were reused in our
9 extended support model. Whether they were used to
10 develop anything that was delivered to the customers,
11 I really couldn't determine by looking at them.

23 Q. So if I understand it, this would be an
24 example of one of the **generic environments** we were
25 discussing yesterday that would have been used as the
1 HRMS702 government and education involvement to
2 develop retrofit updates, in this case, the 5C
3 retrofit update to send out to the 702 customers?

Pg 179 - Ln 24

4 MR. FUCHS: Objection, form.

5 A. Yes, this would have been used to or may
6 have been used to develop the retrofit that is sent to
7 our customers.

23 Q. And that these would then represent for
24 the updates indicated in the name the **generic** Pg 180 - Ln 24
25 **environments** used to create the retrofit support for
1 the customers on the indicated release?
2 A. Yes.

9 Q. Was there any process that you're aware
10 of for the creation of a new **generic environment** to Pg 181 - Ln 10
11 use for providing retrofit support for the next
12 update?
13 A. Yes.

2 Q. And you would expect that the HR70205C
3 environment was the **generic environment** used to create Pg 182 - Ln 3
4 the 5C retrofit update for 702 customers?
5 A. Right, for the HR702 customers, yes.

6 Q. And then you would expect that that
7 generic HR70205C environment would then have been
8 copied to create the HR70205D **generic environment** to Pg 182 - Ln 8
9 create the 5D retrofit for HR702 customers?
10 MR. FUCHS: Objection, form.
11 A. Yes.

7 Q. Do you have a sense of approximately how
8 many additional environments are listed in the BakTrak
9 documentation that would be in this category of
10 generic extended support environments besides what's
11 listed here in Exhibit 31?
12 MR. FUCHS: Objection, form.
13 A. To determine how many other extended
14 support **generic environments** were in that sheet, I Pg 183 - Ln 14
15 would really have to look at that document and compare
16 the two to get the additional number.

4 Q. And does this refresh your recollection
5 that the extended support **generic environment** retrofit Pg 190 - Ln 5
6 model continued at least through the beginning of
7 2007?
8 A. That model continued, yes, in some
9 capacity, yes.

19 Q. Do you know why it was created?
20 A. No.

21 Q. Are there any other 8.8 **generic** Pg 192 - Ln 21
22 **environments** that you're aware of?

23 A. Not that I'm aware of at this time.
24 There may be some other ones that show up on the
25 additional documentation from BakTrak.

23 Q. You would compare the 8.0 SQR and COBOL
24 code in the 8.0 update to identify how the code was
25 different from the 751 **generic environment** that you Pg 198 - Ln 25
1 had?

2 A. Correct.

24 Q. Then, is it accurate that in many
25 instances anyway the changed 751 code resulting from
1 this Araxis Merge process you just described would
2 then be saved as a new 751 **generic environment** with Pg 200 - Ln 2
3 05C or 05D or whatever the environment name was at the
4 end of the environment name?

5 A. Yes.

EXHIBIT C

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17 TOMORROWNOW, INC.

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

21 ORACLE CORPORATION, et al.,
22 Plaintiffs,
23 v.
24 SAP AG, et al.,
25 Defendants.

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

**DEFENDANT TOMORROWNOW,
INC.'S THIRD AMENDED AND
SUPPLEMENTAL RESPONSE TO
PLAINTIFF ORACLE USA, INC.'S
SECOND SET OF
INTERROGATORIES**

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INTERROGATORY NO. 14:

For each local environment Identified in Your responses to Interrogatories 12 and 13, Identify all Customers who received support based on the Use of that environment, and a detailed description of that support (such as, for example, the retrofit tax updates testified to by Shelley Nelson (Shelley Nelson Dep. at 32:19-34:13 (Oct. 30, 2007))) including, where applicable, Identification of the name, number, version or other Identifying information of the product provided as part of the support.

RESPONSE TO INTERROGATORY NO. 14:

THIS RESPONSE IS DESIGNATED AS HIGHLY CONFIDENTIAL.

TomorrowNow objects that this interrogatory is cumulative, compound, unduly burdensome and oppressive to the extent it seeks to require TomorrowNow to attempt to evaluate millions of pages of documents and data relating to customer support that have been created over several years. Subject to and without waiving the foregoing objections and the General Responses and Objections, TomorrowNow responds as follows: Generally, to the extent a particular entity is or was a TomorrowNow customer, and when TomorrowNow maintains an environment on that customer’s behalf, TomorrowNow provided or provides support to that customer utilizing that environment. For updates and/or fixes to Peoplesoft and JDE products, TomorrowNow has generally used the customer’s environment(s) (whether maintained by TomorrowNow or the customer) to create or test the updates and/or fixes. TomorrowNow is aware of certain instances where an environment maintained on behalf of one customer may have been used to create or test updates and/or fixes for other customers. *See, e.g.,* Tr. of October 30, 2007 Deposition of Mark Kreutz, at 197:8-199:25; Tr. of October 30, 2007 Deposition of Shelley Nelson at 32:19-41:17, 53:13-55:7; Dec. 6, 2007 Deposition of Shelley Nelson at 126:4-139:3,

1 145:1-14, 160:16-161:5, 185:3-16, 195:24-196:20. Additional information responsive to this
2 interrogatory as to specific customers may be derived or ascertained from TomorrowNow's
3 business records; specifically, the relevant specific customer support efforts, updates, and fixes
4 are set forth and described in detail in TomorrowNow's emails among development and support
5 engineers and its databases of customer service information, including its SAS databases (which
6 have been previously produced, in native format, at TN-OR 00009569), which have been or will
7 be included in TomorrowNow's production of documents and on which TomorrowNow relies to
8 further respond to this interrogatory pursuant to Rule 33(d).

9 **AMENDED AND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:**

10 TomorrowNow amends the confidentiality designation of its prior response to be
11 designated as Confidential.

12 TomorrowNow supplements its prior response as follows:

13 THIS RESPONSE IS DESIGNATED AS CONFIDENTIAL.

14 TomorrowNow further responds that information responsive to this interrogatory can be
15 found in the SAS database. *See* TN-OR 03775478, TN(Hard drive).67. TomorrowNow further
16 responds that Plaintiffs have questioned TomorrowNow's witnesses extensively in deposition on
17 topics related to this interrogatory. For example, Plaintiffs requested deposition testimony on
18 TomorrowNow's "creation and use of Customer Local Environments, including without
19 limitation: b. The manner and method by which Customer Local Environments were created,
20 stored and Used by You; . . . d. The total number of Customer Local Environments created for
21 each identified customer; e. The name, release, and version of all PSFT or JDE branded Software
22 obtained and/or copied to create each identified Customer Local Environment; f. The identity and
23 description of all Customer Local Environments maintained in any way by You relating to
24 Customers for whom You had ceased to provide support services; g. The identity and description
25 of all Customer Local Environments Used by You in any way to support any Customer other than
26 the one that provided the Software used to create the Customer Local Environment; . . . [and] l.
27 The process by which Customer Local Environments were Used as part of the ordinary course of
28 business for SAP TN, including without limitation to on-boarding of new Customers; support of

1 Customer cases, issues, and problems; reactive and proactive development of bug fixes, updates,
2 patches, explanations, or regulatory changes for Customers; and testing of other operating
3 systems levels. . . .” See January 22, 2008 Amended Notice of Deposition of TomorrowNow, Inc.
4 Pursuant to Fed. R. Civ. P. 30(b)(6).

5 In response to these noticed topics and during the course of individual depositions of
6 TomorrowNow witnesses, TomorrowNow has provided more than sufficient testimony on the use
7 of TomorrowNow’s local environments. See, e.g., February 6-7, 2008 Deposition of John Baugh
8 Pursuant to Rule 30(b)(6); February 19, 2008 Deposition of Mark Kreutz Pursuant to Rule
9 30(b)(6); December 6, 2007 Deposition Testimony of Shelley Nelson Pursuant to Rule 30(b)(6);
10 June 25, 2008 Deposition of Rod Russell Pursuant to Rule 30(b)(6); April 1, 2008 Deposition of
11 Kathy Williams Pursuant to Rule 30(b)(6); April 1, 2008 Deposition of Catherine Hyde Pursuant
12 to Rule 30(b)(6); April 18, 2008 Deposition of Shelley Nelson; December 5, 2008 Deposition of
13 Matthew Bowden; February 12, 2009 Deposition of Catherine Hyde; May 12, 2009 Deposition of
14 Catherine Hyde; February 5, 2009 Deposition of Rod Russell; April 10, 2009 Deposition of Patti
15 VonFeldt; February 26, 2009 Deposition for Andrew Nelson; April 29, 2009 Deposition of
16 Andrew Nelson.

17 TomorrowNow further states that it would be impossible and unreasonable to expect
18 TomorrowNow to provide a detailed description of the support provided with each local
19 environment. This interrogatory calls for tracking information for hundreds of environments
20 from 2002 until the local environments were shut down on April 30, 2008. TomorrowNow relies
21 upon all testimony and each document cited in this Supplemental Response to further respond to
22 this interrogatory pursuant to Rule 33(d).

23 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:**

24 THIS RESPONSE IS DESIGNATED AS CONFIDENTIAL.

25 This response supplements the responses above and provides, to the extent reasonably
26 possible, the information required by Judge Laporte’s August 31, 2009 Order for the fixes
27 associated with the following master fix IDs selected by Plaintiffs: for PeopleSoft, CSS-TN-
28 0112069292, TN-AP06OCT, CSS-TN0103076718, 2005B-751C and CSS-TN-0114089315; and

1 for JD Edwards, 1101064011, 1010067551, 1012062843, 1122054572 and 1015079561. This
2 response contains what TomorrowNow, with the assistance of its counsel¹ in this litigation, was
3 reasonably able to locate and include after extensive, specific investigations related to each of
4 these master fix records. The supplemental information provided below represents
5 TomorrowNow's best reasonable efforts, in the time permitted by the Court's August 31, 2009
6 Order (including the extension granted by paragraph 2 of this Court's October 5, 2009 Order), to
7 compile a complete as possible narrative regarding the environment and/or environment
8 components used and related to each master fix record. The narratives for each master fix record
9 below contain TomorrowNow's best reasonable belief as of October 9, 2009 as to the activities
10 described below. The narratives provided below are primarily based on the analysis of the non-
11 privileged documents and data in TomorrowNow's possession that are both relevant to each
12 master fix record and that have been previously made available to Plaintiffs in this case. To the
13 extent that any former TomorrowNow employees were believed to have relevant, substantive
14 information, could reasonably be located, and agreed to make themselves available, those former
15 employees were interviewed in an attempt to determine what, if any, additional factual
16 information they could possibly provide in addition to the documents and other data that serve as
17 the primary basis of each narrative response below. The master fix records described below are
18 dated between April 2005 and January 2008. Although TomorrowNow has taken reasonable
19 efforts to make the information contained in the narratives below as complete and accurate as
20 possible, the supplemental information provided below is necessarily limited by: (a) the
21 individual memories of the former TomorrowNow employees who were interviewed as part of
22 the investigation that led to this supplementation; and (b) the fact the relevant documents and data
23 maintained by TomorrowNow and produced to Plaintiffs in this case that served as the primary
24 basis for the analysis that led to this supplementation, though quite extensive, do not record each
25 and every single detail of each and every single action related to each master fix record.

26 ¹ Judge Laporte's August 31, 2009 Order (Dkt. 460), pursuant to which this supplemental
27 response is made, specifically states: "Defendants' supplemental response to Interrogatory 14 and
28 response to Interrogatory 14(a) shall not be construed as a waiver of either the attorney-client
privilege or work product immunity." Thus, this response is made subject to, and without
waiving, the attorney-client privilege, work product immunity or any other applicable privilege.
This supplemental response does not, and is not intended to, contain any legal advice or opinions.

1 record. Below is detailed information regarding the processes related to this master fix record
2 and any environments or environment components used as part of those processes that
3 TomorrowNow, with the assistance of its counsel² in this litigation, was reasonably able to locate
4 and include after extensive investigation related to this particular master fix record.

5 *Scoping*

6 Scoping is the initial process of identifying an issue and determining a plan for resolving
7 that issue. TomorrowNow generally monitored certain regulatory websites and materials to
8 watch for potential regulatory or legislative changes affecting state and local governments. After
9 a review of all available data and a number of interviews with former TomorrowNow employees
10 involved with this particular master fix record, TomorrowNow has not been able to confirm the
11 specific website or materials used as the source for the information associated with this master fix
12 record, but reasonably believes that any information used as the background for this particular
13 master fix record was derived from researching the websites or materials TomorrowNow
14 regularly monitored.

15 TomorrowNow reasonably believes that Catherine Hyde activated this master fix record
16 and began the scoping process. TomorrowNow reasonably believes that to begin the scoping
17 process, Hyde likely reviewed a regulatory website or materials and developed a spreadsheet
18 listing the Ohio localities, local tax rates, local tax credit information, etc. *See* TN-OR04446719,
19 TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-0112069292>Select Fix Notes
20 (Internal Use Only)\Select General Notes\Select Locality Updates and Supporting
21 Documentation\PY06MAR-0112069292_v3.xls. TomorrowNow also reasonably believes that
22 this spreadsheet was likely completed by reviewing the updated rates and credits from the
23 monitored websites or materials and then researching the current local Ohio tax rates, local tax
24 credit information, etc. Based on this, TomorrowNow reasonably believes that Hyde likely
25 developed the spreadsheet without using a customer environment or environment component;
26 however TomorrowNow has not located sufficient information to determine exactly what was
27 used. If any environment or environment component was used during this process,

28 ² *See* fn. 1, *supra*.

1 TomorrowNow has not yet located any records or information that reveals what, if any,
2 environment or environment component was used in this portion of the scoping process.

3 TomorrowNow reasonably believes that the fixes associated with this master fix record
4 were delivered as part of the TN-PY06MAR customer specific bundles. TomorrowNow also
5 reasonably believes that the HRMS 7.02 customers identified as potentially contracting with
6 TomorrowNow to receive fixes associated with this particular master fix record were North
7 Carolina State University and Robert Half International, Inc.

8 TomorrowNow further reasonably believes that the HRMS 7.51 customers it identified as
9 potentially contracting with TomorrowNow to fixes associated with this master fix record were as
10 follows:

- 11 • A.C. Transit
- 12 • Advance Auto Parts
- 13 • Bear Stearns & Co., Inc.
- 14 • Berkshire Realty Holdings, L.P.
- 15 • BiLLit Accounting and Information
- 16 • City of Flint, Michigan
- 17 • The Empire District Electric Company
- 18 • Heritage Valley Health System
- 19 • ICF Consulting Group, Inc.
- 20 • Norwegian Cruise Lines
- 21 • Providence Health Systems
- 22 • Universal City Studios, LLP
- 23 • University of Massachusetts

24 TomorrowNow reasonably believes that the HCM 8SP1 customers identified as
25 potentially contracting with TomorrowNow to receive fixes associated with this master fix record
26 were as follows:

- 27 • Borders Group, Inc.
- 28 • ConAgra

- 1 • Quad Graphics, Inc.
- 2 • Rolls Royce of North America Inc.
- 3 • Suburban Propane, L.P.

4 TomorrowNow reasonably believes that the HCM 8.3SP1 customers it identified to
5 potentially receive the fixes associated with this master fix record were as follows:

- 6 • American Council on Education
- 7 • Arvin Meritor, Inc.
- 8 • Big Lots Stores, Inc.
- 9 • Ciber, Inc.
- 10 • Fairchild Semiconductor
- 11 • Foot Locker Incorporated
- 12 • Health and Human Services Commission
- 13 • High Industries, Inc.
- 14 • LS Management, Inc.
- 15 • Olin Corporation
- 16 • PepsiAmericas
- 17 • Rent-a-Center, Inc.
- 18 • Seattle Public Schools
- 19 • Susquehanna Pfaltzgraff Company
- 20 • Toshiba America Information Systems
- 21 • Tropical Shipping USA, LLC

22 TomorrowNow reasonably believes that the HCM 8.8SP1 customers it identified to
23 potentially receive the fixes associated with this master fix record were as follows:

- 24 • Children's Health System of Alabama
- 25 • City of Huntsville
- 26 • Delta Dental of Michigan
- 27 • Kent County Michigan
- 28 • Waste Management Resources LLP

1 **Replication**

2 TomorrowNow has not been able to locate any information regarding any replication that
3 may have been performed relating to this particular master fix record. This may indicate that
4 replication for this particular master fix record was unnecessary and thus not performed.

5 **Development**

6 As stated above, the master fix record itself is only a description of an issue or problem to
7 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
8 developed and delivered that relate to this particular master fix record are the actual delivered
9 fixes and updates that were provided to customers and identified with this master fix record.

10 For this particular master fix record, two objects types required development. While the
11 actual content of the objects were different for most release levels, the names of the objects were
12 the same across all release levels and were “UPD0112069292_TN.dat” and
13 “UPD0112069292_TN.dms. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master
14 Fixes\4. By Fix ID\CSS-TN-0112069292>Select Fix Deliverables. TomorrowNow reasonably
15 believes that the data file (.dat) was created to include the updates for the Ohio W-2 reporting
16 agencies. TomorrowNow reasonably believes that the data moving script (.dms) was created to
17 move the data contained in the data file to the proper location.

18 TomorrowNow believes that Catherine Hyde developed the .dat files at the release level
19 using the following database environment components for this particular master fix record:

- 20 • HR702DAT—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
21 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 7.02\Prior
22 Bundles\PY06MAR\Individual Fixes\TN-0112069292\UPD0112069292_TN.DAT.
- 23 • D751DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
24 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 7.51 Commercial\Prior
25 Bundles\PY06MAR\Individual Fixes\TN-0112069292\UPD0112069292_TN.DAT.
- 26 • D831DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
27 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 8.3SP1\Prior
28 Bundles\PY06MAR\Individual Fixes\TN-0112069292\UPD0112069292_TN.DAT.

- D881DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 8.8SP1\Prior
Bundles\PY06MAR\Individual Fixes\TN-0112069292\UPD0112069292_TN.DAT.

TomorrowNow further reasonably believes that Hyde used the D831DATM database environment component to develop the .dat files for both the 8SP1 and 8.3SP1 release levels for this particular master fix record. *See* TN-OR0657705, TN (Hard Drive).94 at TN-

FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 8SP1\Prior
Bundles\PY06MAR\Individual Fixes\TN-0112069292\UPD0112069292_TN.DAT.

TomorrowNow has not been able to determine if any additional environment components or environments were used to develop the .dat files.

TomorrowNow has not been able to locate any information regarding what, if any, environments or environment components were used for the development of the .dms objects with regard to this particular master fix record. This may indicate that no environments or environment components were used for .dms development for this particular master fix record.

Packaging

As noted above, TomorrowNow reasonably believes that the objects developed and associated with this particular master fix record were generally delivered as part of the objects included in the customer specific TN-PY06MAR bundles. TomorrowNow further reasonably believes that TomorrowNow employees likely packaged all of the .dat objects, including any specific .dat objects associated with this particular master fix record that any specific customer was scheduled to receive as part that customer's specific TN-PY06MAR bundle into one complete .dat file for that specific customer. While TomorrowNow reasonably believes the final .dat file each customer received as part of the customer specific TN-PY06MAR bundle was different for each specific customer, the packaged .dat file was always named TN_PY06MAR_U.DAT. Since each customers' TN_PY06MAR_U.DAT file was specific to each customer, not all customers who received a TN_PY06MAR_U.DAT file received objects associated with this particular master fix record. For a list of those customers that TomorrowNow reasonably believes received objects or fixes associated with this particular master fix record see

1 the Delivery section below. As part of the packaging process for the .dat objects associated with
 2 this particular master fix record that were contained in the customer specific TN-PY06MAR
 3 bundles, TomorrowNow reasonably believes that TomorrowNow employees used the following
 4 database environment components for packaging:

- 5 • D702DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
 6 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 7.02\Prior
 7 Bundles\PY06MAR\RHI-TN-
 8 PY06MAR\PY06MAR\PY06MAR_BATCH\data\TN_PY06MAR_U.DAT.
- 9 • D751DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
 10 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 7.51 Commercial\Prior
 11 Bundles\PY06MAR\bundle dev\data work\TN_PY06MAR_U.DAT.
- 12 • D831DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
 13 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 8.3SP1\Prior
 14 Bundles\PY06MAR\bundle dev\data work\TN_PY06MAR_U.DAT.
- 15 • D881DATM—*See* TN-OR0657705, TN (Hard Drive).94 at TN-
 16 FS01_F\C\DellRestore\F\Development Staging\CSS HRMS 8.8SP1\Prior
 17 Bundles\PY06MAR\bundle dev\TN_PY06MAR_U.DAT.

18 TomorrowNow reasonably believes that the data in the database environment components listed
 19 were cleared of the data for each customer after that customer's deliverable was packaged to
 20 facilitate the customer specific packaging of the next deliverable on a customer-by-customer
 21 basis. For example, for Robert Half International the D702DATM database environment
 22 component was likely used to package the .dat objects that Robert Half received as part of the its
 23 customer specific TN-PY06MAR bundle. The data in the D702DATM database environment
 24 component was likely then cleared and the data relevant to North Carolina State University was
 25 then used to package North Carolina State University .dat objects that it received as part of the its
 26 customer specific TN-PY06MAR bundle.

27 TomorrowNow reasonably believes that each database environment component listed
 28 above was used to do the packaging for each customer that received .dat objects associated with

1 this particular master fix record using the database environment component that corresponded
 2 with the release level that customer was on with the exception of the D831DATM database
 3 environment component, which was likely used for both the 8SP1 and 8.3SP1 release level. *See*
 4 TN-OR0657705, TN (Hard Drive).⁹⁴ at TN-FS01_F\C\DellRestore\F\Development Staging\CSS
 5 HRMS 8SP1\Prior Bundles\PY06MAR\bundle dev\data work\TN_PY06MAR_U.DAT.

6 The .dms objects associated with this particular master fix record were likely packaged in
 7 a similar manner; however, TomorrowNow has not been able to locate any information regarding
 8 what, if any, environments or environment components were used for the packaging of the .dms
 9 objects. And, because .dms objects do not require environments or environment components for
 10 packaging, TomorrowNow reasonably believes that no environments or environment components
 11 were used for the packaging of .dms objects related to this particular master fix record.

12 ***Testing***

13 *(a) Unit Testing*

14 TomorrowNow reasonably believes Catherine Hyde tested the objects associated with this
 15 particular master fix record using one of the database environment components listed above for
 16 development, but TomorrowNow has not located sufficient information to determine with any
 17 certainty which one was used.

18 *(b) Quality Assurance Testing – Individual Fix Testing*

19 TomorrowNow reasonably believes that the process of individual fix testing for the fixes
 20 associated with this particular master fix record involved testing the objects to make sure the
 21 applications performed as expected. TomorrowNow reasonably believes that TomorrowNow
 22 employees performed individual fix tests related to this particular master fix record using the
 23 following environment components:

- 24 • HR702CSS— *See* TN-OR04446719, TN (Hard Drive). ⁷⁵ at View:4. Master Fixes\4.
 25 By Fix ID\CSS-TN-0112069292>Select Fix Notes (Internal Use Only)\Select General
 26 Notes\Testing Documentation; TN-OR0657705, TN (Hard Drive).⁹⁴ at TN-
 27 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
 28 Documents\TN-PY06MAR\Individual Fix Testing\CSS-TN-W2 Reporting Agency-

1 MMREF Fixes\CSS-TN 01120692 RITA – CCA Ohio W2 Agencies and Tax
2 Codes\CSS-TN-0112069292 RITA-CCS Ohio W2 Reporting Agencies_702.doc.

- 3 • HR751ACTM— *See* TN-OR04446719, TN (Hard Drive). 75 at View:4. Master
4 Fixes\4. By Fix ID\CSS-TN-0112069292\Select Fix Notes (Internal Use Only)\Select
5 General Notes\Testing Documentation; TN-OR0657705, TN (Hard Drive).94 at TN-
6 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
7 Documents\TN-PY06MAR\Individual Fix Testing\CSS-TN-W2 Reporting Agency-
8 MMREF Fixes\ CSS-TN 01120692 RITA – CCA Ohio W2 Agencies and Tax
9 Codes\CSS-TN-0112069292 RITA-CCS Ohio W2 Reporting Agencies_751.doc.
- 10 • H831TAIM— *See* TN-OR04446719, TN (Hard Drive). 75 at View:4. Master Fixes\4.
11 By Fix ID\CSS-TN-0112069292\Select Fix Notes (Internal Use Only)\Select General
12 Notes\Testing Documentation; TN-OR0657705, TN (Hard Drive).94 at TN-
13 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
14 Documents\TN-PY06MAR\Individual Fix Testing\CSS-TN-W2 Reporting Agency-
15 MMREF Fixes\ CSS-TN 01120692 RITA – CCA Ohio W2 Agencies and Tax
16 Codes\CSS-TN-0112069292 RITA-CCS Ohio W2 Reporting Agencies_831.doc.
- 17 • H881PCAO— *See* TN-OR04446719, TN (Hard Drive). 75 at View:4. Master Fixes\4.
18 By Fix ID\CSS-TN-0112069292\Select Fix Notes (Internal Use Only)\Select General
19 Notes\Testing Documentation; TN-OR0657705, TN (Hard Drive).94 at TN-
20 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
21 Documents\TN-PY06MAR\Individual Fix Testing\CSS-TN-W2 Reporting Agency-
22 MMREF Fixes\ CSS-TN 01120692 RITA – CCA Ohio W2 Agencies and Tax
23 Codes\Recover.CSS-TN-0112069292 RITA-CCA_881.doc.

24 TomorrowNow reasonably believes that Wanda Jones and Kristen Page performed the
25 individual fix testing for the objects developed associated with this particular master fix record.
26 *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-
27 0112069292\Select Fix Notes (Internal Use Only)\Select General Notes\Testing Documentation;
28 TN-OR03639758; TN-OR07002786; TN-OR03639582; TN-OR03640068.

1 TomorrowNow has not been able to locate any information to determine whether quality
2 assurance testing was performed using any environment or environment component at the 8SP1
3 release level. It appears that Jones intended to test the fix objects associated with this master fix
4 record using the environment or environment components for Quad Graphics Incorporated's
5 8SP1 environment. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix
6 ID\CSS-TN-0112069292>Select Fix Notes (Internal Use Only)\Select General Notes\Testing
7 Documentation; TN-OR07002786. However, after an extensive review of the available data and
8 interviews with former TomorrowNow employees, TomorrowNow does not believe a quality
9 assurance test was completed for any customer fix associated with this particular master fix
10 record in any environment component or environment for Quad Graphics, Incorporated
11 (H801QGIS); however, TomorrowNow has not yet located any information to confirm with any
12 certainty that no such testing was performed.

13 *(c) Quality Assurance Testing – Bundle Testing*

14 Further quality assurance testing was done as part of the bundling testing process for the
15 customer specific TN-PY06MAR bundles that were delivered to each specific customer that
16 received fixes associated with this particular master fix record. TomorrowNow reasonably
17 believes that a bundle test was completed separately for each of the customers that received
18 objects related to this master fix record as part of the TN-PY06MAR bundle, using the
19 environment or environment components assigned to each respective customer.

20 TomorrowNow reasonably believes that the following environment or environment
21 components were used relating to the bundle testing for the fixes associated with this master fix
22 record and that were delivered as part of the customer's specific TN-PY06MAR bundles or sync-
23 up bundles:

- 24 • HR702CSS (Robert Half International, Ltd. and North Carolina State University)
- 25 • HG751CSS (University of Massachusetts)
- 26 • HR751CSS (Advance Auto Parts, Bear Stearns & Co., Inc., Heritage Valley Health
27 System, Norwegian Cruise Lines Ltd. and Universal City Studios)
- 28 • H751ACTM (AC Transit)

- 1 • H751BRHO (Berkshire Realty Holdings)
- 2 • H751COFO (City of Flint)
- 3 • H751EDEO (The Empire District Electric Company)
- 4 • H751ICFM (ICF Consulting Group)
- 5 • HR751PHS (Providence Health Systems)
- 6 • H751TPAM (BiLLit Accounting & Information)
- 7 • H801BGPO (Borders Group)
- 8 • H801CAGO – sync up (ConAgra)
- 9 • H801QGIS (Quad Graphics Incorporated)
- 10 • H801RRNO (Rolls Royce North America)
- 11 • H801SPLO (Suburban Propane, L.P.)
- 12 • H831ACEM (American Council on Education)
- 13 • H831ARMO (Arvin Meritor)
- 14 • H831BLSD (Big Lots Stores)
- 15 • H831CBRO (Ciber Incorporated)
- 16 • H831FCSO – sync-up (Fairchild Semiconductor)
- 17 • H831FLIO (Foot Locker Incorporated)
- 18 • H831HHSO (Health and Human Services Commission)
- 19 • H831HIIO (High Industries, Inc.)
- 20 • H831OLNI (Olin Corporation)
- 21 • H831PASO (Pepsi Americas)
- 22 • H831RWCM (Rent-a-Center)
- 23 • H831SPCO (Susquehanna Pfaltzgraff Company)
- 24 • H831SPSM (Seattle Public Schools)
- 25 • H831STAO (LS Management)
- 26 • H831TAIM (Toshiba American Information)
- 27 • H831TSUM (Tropical Shipping USA)
- 28 • H881COHM (City of Huntsville)

- 1 • H881CHSO (Children’s Health System of Alabama)
- 2 • H881DDMO – sync-up (Delta Dental of Michigan)
- 3 • H881KCMO – sync-up (Kent County Michigan)
- 4 • H881WMIO – sync-up (Waste Management Resources, Ltd.)

5 ***Delivery***

6 TomorrowNow reasonably believes the majority of fixes associated with the master fix
7 CSS-TN-0112069292 were delivered as part of the customer specific TN-PY06MAR bundles.
8 See TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY06MAR; TN-OR04497668, TN
9 (Hard Drive).78 at Mail03\ClientFix\TN-PY06MAR.

10 TomorrowNow reasonably believes that the following HRMS 7.02 customers received a
11 customer specific bundle containing fixes associated with this particular master fix record:

- 12 • North Carolina State University— See TN-OR04497673, TN (Disc).186 at
13 Web01\ClientFix\TN-PY06MAR\NCS-TN-PY06MAR\NCS-TN-PY06MAR.zip.
- 14 • Robert Half International, Inc. — See TN-OR04497673, TN (Disc).186 at
15 Web01\ClientFix\TN-PY06MAR\RHI-TN-PY06MAR\RHI-TN-PY06MAR.zip.

16 TomorrowNow reasonably believes that the following HRMS 7.51 customers received a
17 customer specific bundle containing fixes associated with this particular master fix record:

- 18 • A.C. Transit— See TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
19 PY06MAR\ACT-TN-PY06MAR\ACT-TN-PY06MAR.zip.
- 20 • Advance Auto Parts— See TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
21 PY06MAR\ADV-TN-PY06MAR\ADV-TN-PY06MAR.zip.
- 22 • Bear Stearns & Co., Inc. — See TN-OR04497673, TN (Disc).186 at
23 Web01\ClientFix\TN-PY06MAR\BSC-TN-PY06MAR\BSC-TN-PY06MAR.zip.
- 24 • Heritage Valley Health System— See TN-OR04497673, TN (Disc).186 at
25 Web01\ClientFix\TN-PY06MAR\HVVH-TN-PY06MAR\HVVH-TN-PY06MAR.zip.
- 26 • Norwegian Cruise Lines— See TN-OR04497673, TN (Disc).186 at
27 Web01\ClientFix\TN-PY06MAR\NCL-TN-PY06MAR\NCL-TN-PY06MAR.zip.

- 1 • Universal City Studios, LLP— *See* TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\TN-PY06MAR\UNI-TN-PY06MAR\UNI-TN-PY06MAR.zip.
- 3 • Berkshire Realty Holdings, L.P— *See* TN-OR04497673, TN (Disc).186 at
4 Web01\ClientFix\TN-PY06MAR\BRH-TN-PY06MAR\BRH-TN-PY06MAR.zip.
- 5 • City of Flint— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
6 PY06MAR\COF-TN-PY06MAR\COF-TN-PY06MAR.zip.
- 7 • The Empire District Electric Company— *See* TN-OR04497673, TN (Disc).186 at
8 Web01\ClientFix\TN-PY06MAR\EDE-TN-PY06MAR\EDE-TN-PY06MAR.zip.
- 9 • ICF Consulting— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
10 PY06MAR\ICF-TN-PY06MAR\ICF-TN-PY06MAR.zip.
- 11 • Providence Health Systems— *See* TN-OR04497673, TN (Disc).186 at
12 Web01\ClientFix\TN-PY06MAR\PHS-TN-PY06MAR\PHS-TN-PY06MAR.zip.
- 13 • BiLLit Accounting Services— *See* TN-OR04497673, TN (Disc).186 at
14 Web01\ClientFix\TN-PY06MAR\TPA-TN-PY06MAR\TPA-TN-PY06MAR.zip.
- 15 • University of Massachusetts— *See* TN-OR04497673, TN (Disc).186 at
16 Web01\ClientFix\TN-PY06MAR\UOM-TN-PY06MAR\UOM-TN-PY06MAR.zip.

17 TomorrowNow reasonably believes that the following HCM 8SP1 customers received a
18 customer specific bundle containing fixes associated with this particular master fix record:

- 19 • Borders Group— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
20 PY06MAR\BGP-TN-PY06MAR\BGP-TN-PY06MAR.zip.
- 21 • ConAgra— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
22 PY06MAR\CAG-TN-PY06MAR\CAG-TN-PY06MAR.zip. (sync up)
- 23 • Quad Graphics, Inc. — *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
24 PY06MAR\QGI-TN-PY06MAR\QGI-TN-PY06MAR.zip.
- 25 • Rolls Royce of North America— *See* TN-OR04497673, TN (Disc).186 at
26 Web01\ClientFix\TN-PY06MAR\RRN-TN-PY06MAR\RRN-TN-PY06MAR.zip.
- 27 • Suburban Propane, LLP— *See* TN-OR04497673, TN (Disc).186 at
28 Web01\ClientFix\TN-PY06MAR\SPL-TN-PY06MAR\SPL-TN-PY06MAR.zip.

1 TomorrowNow reasonably believes that the following HCM 8.3SP1 customers received a
2 customer specific bundle containing fixes associated with this particular master fix record:

- 3 • American Council on Education— *See* TN-OR04497673, TN (Disc).186 at
4 Web01\ClientFix\TN-PY06MAR\ACE-TN-PY06MAR\ACE-TN-PY06MAR.zip.
- 5 • Arvin Meritor— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
6 PY06MAR\ARM-TN-PY06MAR\ARM-TN-PY06MAR.zip.
- 7 • Big Lots Stores— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
8 PY06MAR\BLS-TN-PY06MAR\BLS-TN-PY06MAR.zip.
- 9 • Ciber— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
10 PY06MAR\CBR-TN-PY06MAR\CBR-TN-PY06MAR.zip.
- 11 • Fairchild Semiconductor— *See* TN-OR04497673, TN (Disc).186 at
12 Web01\ClientFix\TN-PY06MAR\FCS-TN-PY06MAR\FCS-TN-PY06MAR.zip.
13 (sync up)
- 14 • Foot Locker Incorporated— *See* TN-OR04497673, TN (Disc).186 at
15 Web01\ClientFix\TN-PY06MAR\FLI-TN-PY06MAR\FLI-TN-PY06MAR.zip.
- 16 • Health and Human Services— *See* TN-OR04497673, TN (Disc).186 at
17 Web01\ClientFix\TN-PY06MAR\HHS-TN-PY06MAR\HHS-TN-PY06MAR.zip.
- 18 • High Industries Inc.— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
19 PY06MAR\HII-TN-PY06MAR\HII-TN-PY06MAR.zip.
- 20 • Olin Corporation— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
21 PY06MAR\OLN-TN-PY06MAR\OLN-TN-PY06MAR.zip.
- 22 • PepsiAmericas— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
23 PY06MAR\PAS-TN-PY06MAR\PAS-TN-PY06MAR.zip.
- 24 • Rent-a-Center, Inc.— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
25 PY06MAR\RWC-TN-PY06MAR\RWC-TN-PY06MAR.zip.
- 26 • Susquehanna Pfaltzgraff Company— *See* TN-OR04497673, TN (Disc).186 at
27 Web01\ClientFix\TN-PY06MAR\SPC-TN-PY06MAR\SPC-TN-PY06MAR.zip.
28

- 1 • Seattle Public Schools— *See* TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\TN-PY06MAR\SPS-TN-PY06MAR\SPS-TN-PY06MAR.zip.
- 3 • LS Management— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
4 PY06MAR\STA-TN-PY06MAR\STA-TN-PY06MAR.zip.
- 5 • Toshiba America Information Systems— *See* TN-OR04497673, TN (Disc).186 at
6 Web01\ClientFix\TN-PY06MAR\TAI-TN-PY06MAR\TAI-TN-PY06MAR.zip.
- 7 • Tropical Shipping USA— *See* TN-OR04497673, TN (Disc).186 at
8 Web01\ClientFix\TN-PY06MAR\TSU-TN-PY06MAR\TSU-TN-PY06MAR.zip.
9 (sync up)

10 TomorrowNow reasonably believes that the following HCM 8.8SP1 customers received a
11 customer specific bundle containing fixes associated with this particular master fix record:

- 12 • Children’s Health System of Alabama— *See* TN-OR04497673, TN (Disc).186 at
13 Web01\ClientFix\TN-PY06MAR\CHS-TN-PY06MAR\CHS-TN-PY06MAR.zip.
- 14 • City of Huntsville— *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
15 PY06MAR\COH-TN-PY06MAR\COH-TN-PY06MAR.zip.
- 16 • Delta Dental of Michigan— *See* TN-OR04497673, TN (Disc).186 at
17 Web01\ClientFix\TN-PY06MAR\DDM-TN-PY06MAR\DDM-TN-PY06MAR.zip.
18 (sync up)
- 19 • Kent County Michigan— *See* TN-OR04497673, TN (Disc).186 at
20 Web01\ClientFix\TN-PY06MAR\KCM-TN-PY06MAR\KCM-TN-PY06MAR.zip.
21 (sync up)
- 22 • Waste Management Resources, Inc.— *See* TN-OR04497673, TN (Disc).186 at
23 Web01\ClientFix\TN-PY06MAR\WMI-TN-PY06MAR\WMI-TN-PY06MAR.zip.
24 (sync up)

25 ***Sources of Environments Referenced Above***

26 For TomorrowNow’s PeopleSoft customers for whom TomorrowNow created a local
27 environment on TomorrowNow’s network, it was TomorrowNow’s general practice to build an
28 environment on each customer’s behalf using that customer’s PeopleSoft application files

1 provided to TomorrowNow by that customer on CD, tape, or some other way determined by the
2 specific customer providing those application files. TomorrowNow's standard naming
3 convention for the customer environments TomorrowNow maintained on its network on behalf of
4 each such customer included the following: (1) the first character was the type of application
5 being used (H for human resources or F for financials); (2) the next three characters corresponded
6 to the PeopleSoft release (i.e., 801 for 8SP1 or 842 for 8.4SP2); (3) the next three characters
7 identified the customer (i.e., RHI for Robert Half International); and (4) the final character
8 represented the type of database the environment was built to access (i.e., O for Oracle or M for
9 Microsoft).

10 Based on the foregoing, TomorrowNow reasonably believes the following environments
11 or environment components were built using the PeopleSoft application files provided by the
12 specific customers, who are identified through the standard environment naming convention
13 depicted in the following environment names:

- 14 • H751BRHO—from Berkshire Realty Holdings
- 15 • H751EDEO—from The Empire District Electric Company
- 16 • H751ICFM—from ICF Consulting Group
- 17 • H751TPAM—from BiLLit Accounting & Information
- 18 • H801BGPO—from Borders Group
- 19 • H801CAGO—from ConAgra (sync up)
- 20 • H801QGIS—from Quad Graphics Incorporated
- 21 • H801RRNO—from Rolls Royce North America
- 22 • H801SPLO—from Suburban Propane, L.P.
- 23 • H831ACEM—from American Council on Education
- 24 • H831ARMO—from Arvin Meritor
- 25 • H831BLSD—from Big Lots Stores
- 26 • H831CBRO—from Ciber, Incorporated
- 27 • H831FCSO—from Fairchild Semiconductor
- 28 • H831FLIO—from Foot Locker Incorporated

- 1 • H831HHSO—from Health and Human Services Commission
- 2 • H831HIIO—from High Industries, Inc.
- 3 • H831OLNI—from Olin Corporation
- 4 • H831PASO—from Pepsi Americas
- 5 • H831RWCM—from Rent-a-Center
- 6 • H831SPSM—from Seattle Public Schools
- 7 • H831STAO—from LS Management
- 8 • H831TAIM—from Toshiba American Information
- 9 • H831TSUM—from Tropical Shipping USA
- 10 • H881COHM—from the City of Huntsville
- 11 • H881DDMO—from Delta Dental of Michigan
- 12 • H881KCMO—from the Kent County Michigan
- 13 • H881WMIO—from Waste Management Resources, Ltd.

14 While TomorrowNow is not certain of the specific source, TomorrowNow reasonably
15 believes based on the testimony of Catherine Hyde that the following environments or
16 environment components were likely originally created from PeopleSoft applications provided by
17 either Safeway or Washington Gas Light:

- 18 • D702DATM
- 19 • D751DATM
- 20 • HR702CSS
- 21 • HR702DAT
- 22 • HR751CSS
- 23 • HR751PHS

24 See TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log; April 2, 2008 Deposition
25 of Catherine Hyde at 75:4-9; May 12, 2009 Deposition of Catherine Hyde at 31:13-33:4, 42:20-
26 44:3, 44:19-45:11, 83:4-8.

27 While TomorrowNow is not certain of the specific source, TomorrowNow reasonably
28 believes based on the testimony of Catherine Hyde that the following environments or

1 environment components were likely originally created from PeopleSoft applications provided by
 2 North Carolina State University:

- 3 • HG751CSS
- 4 • H751ACTM
- 5 • H751COFO

6 *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log; April 2, 2008 Deposition
 7 of Catherine Hyde at 119:17-120:23; May 12, 2009 Deposition of Catherine Hyde at 18:1-19:13.

8 While TomorrowNow is not certain of the specific source, TomorrowNow reasonably
 9 believes based on the testimony of Catherine Hyde that D831DATM was likely originally created
 10 from a PeopleSoft application provide by Rentway *See* TN-OR 06125330, TN (Disc).202 at
 11 BakTrak\Search Restore Log; April 2, 2008 Deposition of Catherine Hyde at 83:23-84:1.

12 TomorrowNow has not currently located any information regarding the source of
 13 D881DATM.

14 **PeopleSoft Master Fix Record TN-AP06OCT**

15 Fix ID TN-AP06OCT is the internal TomorrowNow record of an issue and
 16 TomorrowNow's tracking of its efforts to create fixes to correct that issue. *See* TN-OR04446719,
 17 TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\TN-AP06OCT\Select Active Date
 18 11/08/2006. This master fix record relates to year-end updates and changes for the 2006 1099 tax
 19 forms required for TomorrowNow's customers who contracted to receive regulatory updates for
 20 certain PeopleSoft financial releases. *Id.* at Fix Issues\Select Issue Summary. The updates
 21 covered by this master record affect the layout of the T Record and B Record on the 1099 forms.
 22 *Id.* at Fix Issues\Select Fix Solution Summary. Melissa Dominguez (Garcia) was listed as the
 23 owner of this master fix record, and Defendants reasonably believe that 27 customers received
 24 customer specific fixes containing some of the objects updated in connection with this master fix
 25 record. TomorrowNow also reasonably believes that Tim Harper was the project manager for this
 26 master fix record. *See* TN-OR05354906. In that role, Harper was responsible for the project
 27 schedule and creating the list of clients receiving the objects. *Id.* Further, he was in charge of the
 28 project management for the development, testing, documentation, and delivery of the objects

1 modified in connection with this master fix record. *Id.* Below is detailed information regarding
2 the processes related to this master fix record and any environment components or environments
3 used as part of those processes that TomorrowNow, with the assistance of its counsel³ in this
4 litigation, was reasonably able to locate and include after extensive investigation related to this
5 master fix record.

6 ***Scoping***

7 Scoping is the initial process of identifying the issue and determining a plan for resolving
8 the issue. TomorrowNow regularly monitored the IRS website, in order to watch for potential
9 regulatory or legislative changes in 2006. In late 2006, TomorrowNow determined that changes
10 were made to the 1099 tax form. TomorrowNow organized a team to create the required fixes for
11 these changes. Members of the team involved in this master fix record likely included, but were
12 not limited to, Tim Harper, Melissa Dominguez (Garcia), Prasad Pinnamaraju, Sudarshan Desai,
13 Trushar Patel, Adrienne McMillian, Cynthia Teo, Mario Ramia, and Fernando Camblor. *See, e.g.*,
14 TN-OR05354906; TN-OR053555372.

15 As part of this process, TomorrowNow reasonably believes that Harper requested that the
16 Primary Support Engineers (“PSEs”) who were involved (Sudarshan Desai, Trushar Patel,
17 Adrienne McMillian, and Prasad Pinnamaraju) determine which TomorrowNow customers
18 needed this fix. *See* TN-OR05354906. TomorrowNow reasonably believes that the PSEs
19 determined the following Financials Payable customers potentially required a fix based on this
20 master fix record:

- 21 • Academy Sports and Outdoors, LTD
- 22 • Ace Parking Management, Inc.
- 23 • American Commercial Barge Line LLC
- 24 • American Council on Education
- 25 • American Media Inc.
- 26 • Bear Stearns & Co., Inc.
- 27 • Baptist Health System

28 ³*See* fn 1, *supra*.

- 1 • Children's Health System of Alabama
- 2 • Ciber, Inc.
- 3 • Cowlitz County, WA
- 4 • Diamond Cluster International, Inc.
- 5 • Eagle Family Foods Holdings, Inc.
- 6 • Informatica
- 7 • Kent County Michigan
- 8 • LS Management Inc.
- 9 • McLennan County
- 10 • Municipality of Anchorage
- 11 • Oxford Global Resources, Inc.
- 12 • PepsiAmericas
- 13 • Rentway Corp.
- 14 • Rockwell Automation
- 15 • Sirva, Inc.
- 16 • The Empire District Electric Company
- 17 • Tropical Shipping USA, LLC
- 18 • United Dominion Realty Trust, Inc.
- 19 • Advance Auto Parts
- 20 • Intraware Inc.
- 21 • Parkview Health
- 22 • Philadelphia Corporation of Aging
- 23 • The Park Associates
- 24 • Mieco Inc.
- 25 • Ross Dress for Less, Inc.
- 26 • Wendy's
- 27 • Arvato Services
- 28 • Linc Facility Services LLC (Summit)

- 1 • Norstan Communications, Inc.
- 2 • Commerce Bank
- 3 • J.B. Hunt Transport Inc.
- 4 • Shands Healthcare
- 5 • University of Massachusetts

6 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
7 & Templates\Work Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT
8 Master list 12-11.xls.

9 The PSEs identified the following clients as requiring remote delivery of this fix:
10 Diamond Cluster International, Inc., Intraware Inc., Parkview Health, Wendy's, Linc Facility
11 Services LLC (Summit), Norstan Communications, University of Massachusetts, and Wendy's.
12 *Id.*; see also TN-OR05355372. And, the PSEs determined that the following clients would apply
13 the objects themselves at their site: Bear Stearns & Co. Inc., Informatica, Advance Auto Parts,
14 Philadelphia Corporation of Aging, and The Park Associates. See TN-OR0657705, TN (Hard
15 Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work
16 Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT Master list 12-11.xls.

17 Based on the releases for the customers that likely received fixes created under this master
18 fix record, TomorrowNow reasonably believes that the development was required for specific
19 customers who were on the following releases:

- 20 • 7.52
- 21 • 7.53
- 22 • 8SP3
- 23 • 8.4SP1
- 24 • 8.4SP2
- 25 • 8.8
- 26 • 8.8SP1

27 See TN-OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\TN-
28 AP06OCT>Select Active Date 11/08/2006.

1 **Replication**

2 TomorrowNow has not been able to locate any information regarding what, if any,
3 replication was performed relating to this particular master fix record.

4 **Development**

5 The master fix record itself is not a developed deliverable for a client. As a result of this
6 master fix record, customers received specific fixes containing the objects modified as identified
7 as a result of the work completed relating to this master fix record. For this particular master fix
8 record, different objects were modified for each specific customer on each release. Tim Harper
9 assigned the initial development work to Prasad Pinnamaraju. *See* TN-OR05354906.

10 TomorrowNow reasonably believes that the initial development was completed using
11 prototype environments or environment components from each release with the exception of 8
12 SP3 where it appears that TomorrowNow likely used two prototype environments or environment
13 components. *See* TN-OR01251667; TN-OR05399873. TomorrowNow reasonably believes that
14 the five prototype environment or environment components that likely were used were from the
15 PeopleSoft applications provided by the following customers: Kent County Michigan, McLennan
16 County, Ciber, Inc., Meico, and American Commercial Barge Line. *See* TN-OR05399873. These
17 environment components were likely F881KCMO, F753MCCM, F842CBRO, F803MIEM,
18 F803ACBO. *See* TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
19 Drive\Consultant Docs & Templates\Work Documents\Financials\TN-AP06OCT\TN-
20 AP06OCT_Docs\TN-AP06OCT Master list 12-11.xls. TomorrowNow reasonably believes
21 Prasad Pinnamarju conducted the initial development and, during the initial development process,
22 created a Technical Design Document (“TDD”). *See* TN-OR01251667; TN-OR01251669 – TN-
23 OR01251682. TomorrowNow reasonably believes that once that initial development was done,
24 one or more other developers likely used the Technical Design Document (“TDD”) to modify the
25 necessary objects using each specific customer’s environment or environment components. *See*
26 TN-OR01251902 – TN-OR01251903; TN-OR01251667; TN-OR01251669 – TN-OR01251682.

27 TomorrowNow reasonably believes that only the .sqc file called “APY805.SQC” required
28 modification for those customers receiving support for Financials 7.52 and 7.53. *See* TN-

1 OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\TN Delivered Updates &
2 Fixes\CSS FDM 7.52 Education & Government\TN-AP06OCT\AP06OCT_INSTALL\TN-
3 AP06OCT-Objects.xls; TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
4 Drive\TN Delivered Updates & Fixes\CSS FDM 7.53 Commercial\TN-
5 AP06OCT\AP06OCT_INSTALL\TN-AP06OCT-Objects.xls.

6 TomorrowNow reasonably believes that the following seven objects required modification
7 for those customers receiving support for Financials 8SP3, 8.4SP1 and 8.4SP2:

- 8 • PRAJAP06OCT_TN
- 9 • CNTCT_EMAIL
- 10 • WTHD_SENT_HDR
- 11 • WTHD_SNT_H_HST
- 12 • WTHD_TO_SND_HDR
- 13 • WTHD_CNTL
- 14 • APY8055.SQC

15 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\TN Delivered
16 Updates & Fixes\CSS FCSM 8 S3\TN-AP06OCT\AP06OCT_INSTALL\TN-AP06OCT-
17 Objects.xls; TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\TN
18 Delivered Updates & Fixes\CSS FCSM 8.4 SP1\TN-AP06OCT\AP06OCT_INSTALL\TN-
19 AP06OCT-Objects.xls; TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
20 Drive\TN Delivered Updates & Fixes\CSS FCSM 8.4 SP2\TN-
21 AP06OCT\AP06OCT_INSTALL\TN-AP06OCT-Objects.xls.

22 TomorrowNow reasonably believes that the following thirteen objects required
23 modification for those customers receiving support for the Financials 8.8 and 8.8SP1 releases:

- 24 • AP_APY1099
- 25 • AP_APY1099 T-REC Step10
- 26 • PRJA60CT_TN
- 27 • HDR_CNTE_EMAIL
- 28 • CNTCT_EMAIL_ADDR

- 1 • AP_APY1099_AET
- 2 • WTHD_SENT_HDR
- 3 • WTHD_SNT_H_HST
- 4 • WTHD_TO_SND_HDR
- 5 • WTHD_CNTL
- 6 • WTHD_T_RECORD
- 7 • WTHD_T_REC_SBR
- 8 • WTHD_FILE_T_REC

9 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\TN Delivered
10 Updates & Fixes\CSS FSCM 8.8\TN-AP06OCT\BHS-TN-AP06OCT\AP06OCT_INSTALL\
11 BHS-TN-AP06OCT-Objects.xls; TN-OR0657705, TN (Hard Drive).94 at TN-
12 FS01_F\C\DellRestore\F Drive\TN Delivered Updates & Fixes\CSS FSCM 8.8\TN-
13 AP06OCT\KCM-TN-AP06OCT\AP06OCT_INSTALL\KCM-TN-AP06OCT-Objects.xls; TN-
14 OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\TN Delivered Updates &
15 Fixes\CSS FSCM 8.8\TN-AP06OCT\SIR-TN-AP06OCT\AP06OCT_INSTALL\SIR-TN-
16 AP06OCT-Objects.xls.

17 TomorrowNow also reasonably believes that, following the initial prototyping,
18 modifications to the objects listed above took place using the following environments and or
19 environment components located on TomorrowNow's network:

- 20 • F752ANCD
- 21 • F752CCWM
- 22 • F753EDEO
- 23 • F753EFFO
- 24 • F753PASO
- 25 • F803ROSO
- 26 • F841ACEM
- 27 • F841AMIM
- 28 • F841UDRO

- 1 • F842APMD
- 2 • F842ASOD
- 3 • F842CHSO
- 4 • F842OXFM
- 5 • F842ROKO
- 6 • F842RWCM
- 7 • F842STAO
- 8 • F842TSUM
- 9 • F881BHSD
- 10 • F881SIRO

11 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
12 & Templates\Work Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT
13 Master list 12-11.xls. The development related to this particular master fix record is reasonably
14 believed to have been performed by Pinnamarju, Mario Ramia, and Fernando Camblor. See TN-
15 OR01251902 – TN-OR01251903.

16 TomorrowNow reasonably believes that development was done remotely for the
17 following customers:

- 18 • DiamondCluster International, Inc.
- 19 • Intraware, Inc.
- 20 • Parkview Health
- 21 • Norstan Communications, Inc.
- 22 • Wendy's

23 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
24 & Templates\Work Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT
25 Master list 12-11.xls. For each these customers, TomorrowNow reasonably believes that
26 TomorrowNow's employees likely accessed an environment or environment component on the
27 customers' respective networks. Pinnamarju likely conducted the remote development for each
28 of these remote customers.

1 In addition, TomorrowNow reasonably believes that some customers conducted their own
2 development. In these cases, TomorrowNow likely provided the customer with a copy of the
3 TDD. TomorrowNow reasonably believes that the following customers conducted their own
4 development:

- 5 • Bear Stearns & Co., Inc.
- 6 • Informatica
- 7 • Advance Auto Parts
- 8 • Philadelphia Corporation of Aging
- 9 • The Park Associates

10 See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
11 & Templates\Work Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT
12 Master list 12-11.xls. For some of these customers, it is also possible that the customer would
13 have sent TomorrowNow the single object that required modification and TomorrowNow would
14 have modified the object and included it in the customer specific fix deliverable. TomorrowNow
15 reasonably believes that it would not have accessed any environment or additional environment
16 component in performing any such modification.

17 ***Testing***

18 TomorrowNow reasonably believes that the process of testing the developed changes for
19 the 1099 year end update relating to this particular master fix record involved the developer
20 testing the program in the environment where the object changes were made. See, e.g., TN-
21 OR07231532; TN-OR07820798; TN-OR07820958; TN-OR07847695; TN-OR07847988.

22 It appears that this testing process is detailed in the TDD. See TN-OR01251669, TN-
23 OR01251679 – TN-OR01251681. Based on the TDD, TomorrowNow reasonably believes that
24 Harper developed test scripts that could be followed during the testing process. TomorrowNow
25 reasonably believes that F881KCMO, F842CBRO, and F753MCCM were likely used to develop
26 any such test scripts. See TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
27 Drive\Consultant Docs & Templates\Work Documents\Financials\TN-AP06OCT\Test Scripts.

1 Further, because the objects were modified on a customer-by-customer basis,
 2 TomorrowNow reasonably believes that the testing that occurred likely would have taken place
 3 immediately after the objects were modified. *See* TN-OR01251669, TN-OR01251679 – TN-
 4 OR01251681. Therefore, TomorrowNow reasonably believes that the developer would have
 5 likely conducted the testing for each specific customer when the developer modified the objects
 6 and would have for testing used the same environment or environment components that was used
 7 for development for each object.

8 Further, TomorrowNow reasonably believes that Harper assigned some testing
 9 responsibilities to Cynthia Teo, but TomorrowNow is currently unable to determine her exact
 10 role. *See* TN-OR05354906. Through its counsel, TomorrowNow has attempted to contact Teo,
 11 who TomorrowNow believes lives in Singapore, but was unable to reach her.

12 ***Delivery***

13 As noted above, the master fix record itself would not have been delivered to any
 14 customers. TomorrowNow reasonably believes that no additional environments or environment
 15 components were used during the delivery process.

16 *(a) Fixes Delivered by TomorrowNow from TomorrowNow's Network*

17 TomorrowNow reasonably believes that fix objects were delivered to the following 7.52
 18 and 7.53 release customers:

- 19 • Cowlitz County WA: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
 20 AP06OCT\CCW-TN-AP06OCT\CCW-TN-AP06OCT.zip\CCW-TN-
 21 AP06OCT\AP06OCT_INSTALL\CCW-TN-AP06OCT-Objects.xls
- 22 • Eagle Family Foods Holdings, Inc.: *See* TN-OR04497673, TN (Disc).186 at
 23 Web01\ClientFix\TN-AP06OCT\EFF-TN-AP06OCT\EFF-TN-AP06OCT.zip\EFF-
 24 TN-AP06OCT\AP06OCT_INSTALL\EFF-TN-AP06OCT-Objects.xls
- 25 • McClennan County: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
 26 AP06OCT\MCC-TN-AP06OCT\MCC-TN-AP06OCT.zip\MCC-TN-
 27 AP06OCT\AP06OCT_INSTALL\MCC-TN-AP06OCT-Objects.xls

- 1 • Municipality of Anchorage: *See* TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\TN-AP06OCT\MOA-TN-AP06OCT\MOA-TN-
3 AP06OCT.zip\MOA-TN-AP06OCT\AP06OCT_INSTALL\MOA-TN-AP06OCT-
4 Objects.xls
- 5 • PepsiAmericas: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
6 AP06OCT\PAS-TN-AP06OCT\PAS-TN-AP06OCT.zip\PAS-TN-
7 AP06OCT\AP06OCT_INSTALL\PAS-TN-AP06OCT-Objects.xls
- 8 • The Empire District Electric Company: *See* TN-OR04497673, TN (Disc).186 at
9 Web01\ClientFix\TN-AP06OCT\EDE-TN-AP06OCT\EDE-TN-AP06OCT.zip\EDE-
10 TN-AP06OCT\AP06OCT_INSTALL\EDE-TN-AP06OCT-Objects.xls

11 TomorrowNow reasonably believes that fix objects were delivered to 8SP3 release
12 customer American Commercial Barge Line LLC. *See* TN-OR04497673, TN (Disc).186 at
13 Web01\ClientFix\TN-AP06OCT\ACB-TN-AP06OCT\ACB-TN-AP06OCT.zip\ACB-TN-
14 AP06OCT\AP06OCT_INSTALL\ACB-TN-AP06OCT-Objects.xls

15 TomorrowNow reasonably believes that fix objects were delivered to the following
16 8.4SP1 customers:

- 17 • American Council on Education: *See* TN-OR04497673, TN (Disc).186 at
18 Web01\ClientFix\TN-AP06OCT\ACE-TN-AP06OCT\ACE-TN-AP06OCT.zip\ACE-
19 TN-AP06OCT\AP06OCT_INSTALL\ACE-TN-AP06OCT-Objects.xls
- 20 • American Media Inc.: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
21 AP06OCT\AMI-TN-AP06OCT\AMI-TN-AP06OCT.zip\AMI-TN-
22 AP06OCT\AP06OCT_INSTALL\AMI-TN-AP06OCT-Objects.xls
- 23 • United Dominion Realty Trust, Inc: *See* TN-OR04497673, TN (Disc).186 at
24 Web01\ClientFix\TN-AP06OCT\UDR-TN-AP06OCT\UDR-TN-AP06OCT.zip\UDR-
25 TN-AP06OCT\AP06OCT_INSTALL\UDR-TN-AP06OCT-Objects.xls

26 TomorrowNow reasonably believes that fix objects were delivered to the following
27 8.4SP2 release customers:

28

- 1 • Academy Sports and Outdoors, LTD: *See* TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\TN-AP06OCT\ASO-TN-AP06OCT\ASO-TN-AP06OCT.zip\ASO-
3 TN-AP06OCT\AP06OCT_INSTALL\ASO-TN-AP06OCT-Objects.xls
- 4 • Ace Parking Management: *See* TN-OR04497673, TN (Disc).186 at
5 Web01\ClientFix\TN-AP06OCT\APM-TN-AP06OCT\APM-TN-
6 AP06OCT.zip\APM-TN-AP06OCT\AP06OCT_INSTALL\APM-TN-AP06OCT-
7 Objects.xls
- 8 • Children’s Health System of Alabama: *See* TN-OR04497673, TN (Disc).186 at
9 Web01\ClientFix\TN-AP06OCT\CHS-TN-AP06OCT\CHS-TN-AP06OCT.zip\CHS-
10 TN-AP06OCT\AP06OCT_INSTALL\CHS-TN-AP06OCT-Objects.xls
- 11 • Ciber, Inc.: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
12 AP06OCT\CBR-TN-AP06OCT\CBR-TN-AP06OCT.zip\CBR-TN-
13 AP06OCT\AP06OCT_INSTALL\CBR-TN-AP06OCT-Objects.xls
- 14 • LS Management Inc.: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
15 AP06OCT\STA-TN-AP06OCT\STA-TN-AP06OCT.zip\STA-TN-
16 AP06OCT\AP06OCT_INSTALL\STA-TN-AP06OCT-Objects.xls
- 17 • Oxford Global Resources, Inc.: *See* TN-OR04497673, TN (Disc).186 at
18 Web01\ClientFix\TN-AP06OCT\OXF-TN-AP06OCT\OXF-TN-AP06OCT.zip\OXF-
19 TN-AP06OCT\AP06OCT_INSTALL\OXF-TN-AP06OCT-Objects.xls
- 20 • Rockwell Automation: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
21 AP06OCT\ROK-TN-AP06OCT\ROK-TN-AP06OCT.zip\ROK-TN-
22 AP06OCT\AP06OCT_INSTALL\ROK-TN-AP06OCT-Objects.xls
- 23 • Rentway Corporation: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
24 AP06OCT\RWC-TN-AP06OCT\RWC-TN-AP06OCT.zip\RWC-TN-
25 AP06OCT\AP06OCT_INSTALL\RWC-TN-AP06OCT-Objects.xls
- 26 • Tropical Shipping: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
27 AP06OCT\TSU-TN-AP06OCT\TSU-TN-AP06OCT.zip\TSU-TN-
28 AP06OCT\AP06OCT_INSTALL\TSU-TN-AP06OCT-Objects.xls

1 TomorrowNow reasonably believes that fix objects were delivered to the following 8.8
2 and 8.8SP1 release customers:

- 3 • Baptist Health System: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
4 AP06OCT\BHS-TN-AP06OCT\BHS-TN-AP06OCT.zip\BHS-TN-
5 AP06OCT\AP06OCT_INSTALL\BHS-TN-AP06OCT-Objects.xls
- 6 • Kent County Michigan: *See* TN-OR04497673, TN (Disc).186 at
7 Web01\ClientFix\TN-AP06OCT\KCM-TN-AP06OCT\KCM-TN-
8 AP06OCT.zip\KCM-TN-AP06OCT\AP06OCT_INSTALL\KCM-TN-AP06OCT-
9 Objects.xls
- 10 • Sirva, Inc.: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
11 AP06OCT\SIR-TN-AP06OCT\SIR-TN-AP06OCT.zip\SIR-TN-
12 AP06OCT\AP06OCT_INSTALL\SIR-TN-AP06OCT-Objects.xls

13 *(b) Fixes Delivered Remotely*

14 TomorrowNow reasonably believes that fix objects were delivered remotely to the
15 following 7.52 and 7.53 release customers:

- 16 • Intraware Inc.
- 17 • Norstan Communications, Inc.

18 *See* TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
19 & Templates\Work Documents\Financials\TN-AP06OCT\TN-AP06OCT_Docs\TN-AP06OCT
20 Master list 12-11.xls.

21 TomorrowNow reasonably believes that fix objects were delivered remotely to 8SP3
22 release customer DiamondCluster International, Inc. *Id.*

23 TomorrowNow reasonably believes that fix objects were delivered remotely to 8.4SP1
24 release customer Wendy's. *Id.*

25 TomorrowNow reasonably believes that fix objects were delivered remotely to 8.4SP2
26 release customer Parkview Health. *Id.*

27 *(c) Customer Completed Development*

28

1 TomorrowNow reasonably believes that the following clients developed objects related to
2 this particular master fix record themselves:

- 3 • Advance Auto Parts
- 4 • Bear Stearns & Co., Inc.
- 5 • Informatica
- 6 • Philadelphia Corporation of Aging
- 7 • The Park Associates

8 *Id.*

9 *(d) Documentation*

10 As part of the delivery process, TomorrowNow generated documentation regarding the
11 delivered objects. *See, e.g.*, TN-OR00906120. TomorrowNow is currently unaware of any
12 environments or environment components that were used as part of the documentation creation or
13 delivery.

14 ***Sources of Environments Referenced Above***

15 For TomorrowNow's PeopleSoft related customers, TomorrowNow generally built an
16 environment on each customer's behalf using the PeopleSoft application files provided to
17 TomorrowNow by that customer on CD, tape, or some other way determined by the specific
18 customer providing those application files. TomorrowNow's standard naming convention for
19 those environments included the following: (1) the first character was the type of application
20 being used (H for human resources or F for financials); (2) the next three characters corresponded
21 to the PeopleSoft release (i.e., 801 for 8SP1 or 842 for 8.4SP2); (3) the next three characters
22 identified the customer (i.e., RHI for Robert Half International); and (4) the final character
23 represented the type of database the environment accessed (i.e., O for Oracle or M for Microsoft).

24 Based on the policy of creating local customer environments and the standard naming
25 convention, TomorrowNow reasonably believes the following environments were built using the
26 PeopleSoft application provided by these specific customers:

- 27 • F752ANCD—from Municipality of Anchorage
- 28 • F752CCWM—from Cowlitz County Wa.

- 1 • F753EDEO—from Empire District Electric Company
- 2 • F753EFFO—from Eagle Family Foods Holdings, Inc.
- 3 • F753MCCM—from McClennan County
- 4 • F753PASO—from PepsiAmericas
- 5 • F803ACBO—from American Commercial Barge Line LLC
- 6 • F803MIEM—from Mico Inc.
- 7 • F803ROSO—from Ross Dress for Less, Inc.
- 8 • F841ACEM—from American Council on Education
- 9 • F841AMIM—from American Media, Inc.
- 10 • F841UDRO—from United Dominion Realty Trust, Inc.
- 11 • F842APMD—from Ace Parking Management, Inc.
- 12 • F842ASOD—from Academy Sports and Outdoors LTD
- 13 • F842CBRO—from Ciber, Inc.
- 14 • F842CHSO—from Children’s Health System of Alabama
- 15 • F842OXFM—from Oxford Global Resources, Inc.
- 16 • F842ROKO—Rockwell Automation
- 17 • F842RWCM—Rentway Corp.
- 18 • F842STAO—from LS Management, Inc.
- 19 • F842TSUM—Tropical Shipping USA, LLC
- 20 • F881BHSD—from Baptist Health System
- 21 • F881KCMO—from Kent County Michigan
- 22 • F881SIRO—Sirva, Inc.

23 TomorrowNow reasonably believes that the remaining 11 environments or environment
24 components likely used, accessed, or associated with the processes described above were located
25 on a customer’s network. TomorrowNow does not have control, custody, or possession over
26 these environments and thus cannot respond regarding the source for those environments.

27
28

1 processes that TomorrowNow, with the assistance of its counsel⁴ in this litigation, was reasonably
2 able to locate and include after extensive investigation related to this particular master fix record.

3 *Scoping*

4 Scoping is the initial process of identifying an issue and determining a plan for resolving
5 that issue. For this particular master fix record, TomorrowNow developer Barry Rapavy was
6 assigned to do the scoping. *See* TN-OR04446719, TN (Hard Drive).75 at View: 4. Master
7 Fixes\4. By Fix ID\CSS-TN-0103076718; TN-OR02746203. After determining that this issue
8 arose on the Canadian tax form CTX915R, Rapavy likely attempted to use Baxter International's
9 environment or environment components on TomorrowNow's network (H801BAXO) to run the
10 CTX915R form. *See* TN-OR02814500; TN-OR00759821 (showing that Rapavy initially did not
11 have access to Baxter International's environment). It is possible that Rapavy may have also
12 attempted to use Waste Management's environment or environment components on
13 TomorrowNow's network (H881WMIO) instead of, or in addition to, Baxter International's
14 during the scoping process. TN-OR00759821 – TN-OR00759830. After reviewing the form in
15 either Baxter's environment and/or Waste Management's environment, it was determined that
16 this issue arose because the Canadian tax form, CTX915R, had changed and required a new field
17 called "QPIP" to be added.

18 During the scoping process, TomorrowNow determined that this issue only applied to
19 customers being serviced for PeopleSoft HRMS that required Canadian payroll updates. *See* TN-
20 OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\CSS-TN-
21 0103076718\Fix Specifications. TomorrowNow initially identified the following customers that
22 had contracted to receive this type of fix: Robert Half International, Baxter International, Direct
23 Energy Marketing Limited, Greater Vancouver Regional, Fairchild Semiconductor, Foot Locker
24 Incorporated, Tropical Shipping USA, Wendy's, CompuCom, and Waste Management
25 Resources. *See* TN-OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix
26 ID\CSS-TN-0103076718>Select Development>Select Objects Delivered. Those customers
27 received support for the following releases: Robert Half International received maintenance for

28 ⁴ *See* fn. 1, *supra*.

1 HRMS 7.02; Baxter International, Greater Vancouver Regional, and Direct Energy Marketing
2 Limited received support for HRMS 8.SP1; Fairchild Semiconductor, Foot Locker Incorporated,
3 Tropical Shipping USA, and Wendy's received support for HRMS 8.3SP1; CompuCom and
4 Waste Management Resources received support for HRMS 8.8SP1.

5 As part of the scoping process, Rapavy determined that in order to fix this display issue,
6 SQR objects CTX910RP.SQR and CTX915R.SQR required modification. *See* TN-OR04446719,
7 TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\CSS-TN-0103076718\Select Fix
8 Notes\Select Development. It was also determined that the QPIP field related to a Quebec-
9 specific form, and, therefore, this further limited the customers who would need to receive
10 modified objects (*i.e.*, actual fixes).

11 ***Replication***

12 Other than the replication described above that likely took place during the scoping
13 process, TomorrowNow is unaware of any additional replication efforts that were undertaken for
14 this particular master fix record.

15 ***Development***

16 As stated above, the master fix record itself is only a description of an issue or problem to
17 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
18 developed and delivered that relate to this particular master fix record are the actual delivered
19 fixes and updates that were provided to customers and identified with this master fix record.

20 TomorrowNow reasonably believes that Rapavy likely first performed the initial
21 development of the modified .sqr objects related to this master fix record by using Baxter
22 International's environment or environment components that were installed on TomorrowNow's
23 network (H801BAXO).

24 TomorrowNow has not been able to locate sufficient information to determine with any
25 certainty how the development of the modified .sqr objects related to this master fix record was
26 completed for any other customer, besides Baxter, who received any objects under this master fix
27 record. However, TomorrowNow reasonably believes that Rapavy likely developed the modified
28 .sqr objects by using the environment or environment components on TomorrowNow's network

1 of at least one of the affected customers on each affected release. Each release had different .sqr
2 objects; therefore, TomorrowNow believes that it is logically impossible for this particular master
3 fix record that TomorrowNow's employees simply made the code change to the .sqr objects in
4 one environment and then applied it across releases. Thus, TomorrowNow believes that Rapavy
5 would have at least had to make changes by release even if he chose not to modify the .sqr objects
6 in each client's environment individually.

7 To the extent Rapavy used additional customer environments or environment components
8 on TomorrowNow's network, he would have likely compared changes to the .sqr objects he
9 modified in Baxter International's environment with those same named objects in the other
10 affected TomorrowNow customers environments or environment components. This comparison
11 likely allowed Rapavy to see which lines of the affected .sqr objects needed to be changed in the
12 other environments or environment components for that particular release so that the objects
13 would perform in the same manner as they would in Baxter International's environment.

14 TomorrowNow reasonably believes that Rapavy likely made the following comparisons
15 and adjusted the .sqr objects in the following way:

- 16 • For the 7.02 release, Rapavy likely compared the .sqr objects using Baxter
17 International's environment or environment components with the same named .sqr
18 objects using Robert Half's environment or environment components on
19 TomorrowNow's network (H702RHIM).
- 20 • For the 8.3SP1 release, TomorrowNow has not been able to locate any information
21 regarding which, if any, customer environments or environment components were
22 compared or used.
- 23 • For the 8.8SP1 release, Rapavy likely compared the .sqr objects using Baxter
24 International's environment or environment components with the same named .sqr
25 objects using CompuCom's environment or environment components on
26 TomorrowNow's network (H881CCOO).

27 After reasonable inquiry, TomorrowNow has not been able to locate any information to
28 determine if Rapavy made any further comparisons of any of the other customer environments or

1 environment components as part of the development of the objects related to this particular
2 master fix record. In the instances in which the customers on a release had identical .sqr objects,
3 Rapavy likely would have completed the development in only one of the customer's
4 environments or environment components at a specific release and then provided those modified
5 .sqr objects to the other customers on that release that had identical objects.

6 In addition, Catherine Hyde developed these objects for Direct Energy Marketing. *See*
7 TN-OR03536361 – TN-OR03536362. TomorrowNow has not been able to locate any
8 information regarding which environment or environment components were used to develop the
9 objects for Direct Energy Marketing. *Id.*

10 ***Testing***

11 *(a) Unit Testing*

12 The process of unit testing the object changes for this master fix record involved the
13 developer testing the objects in an environment in which the changes were made. TomorrowNow
14 assigned the unit test role to Rapavy. TomorrowNow reasonably believes that Rapavy likely unit
15 tested objects in CompuCom's environment on TomorrowNow's network (H881CCOO) . *See*
16 TN-OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\CSS-TN-
17 0103076718\Select Development\Select Unit Test Plan\Select TN-0103076718 Unit Test.doc.

18 *(b) Quality Assurance*

19 The quality assurance process for individual fix testing the object changes made in
20 connection with this master fix record involved testing the objects to make sure the CTX915R
21 form correctly displayed the QPIP Insurance Premium field. As part of this process, the
22 TomorrowNow quality assurance testers likely uploaded the requisite objects to an environment
23 and followed the test plan to insure that the objects worked correctly. In connection with this
24 master fix record, TomorrowNow reasonably believes that Shelley Blackmarr, David Swartwood,
25 and Sara Lu performed quality assurance testing. *See* TN-OR04446719, TN (Hard Drive).75 at
26 View: 4. Master Fixes\4. By Fix ID\CSS-TN-0103076718\Select Test Plan\Select Test Process.

27 TomorrowNow reasonably believes that TomorrowNow's employees likely performed
28 quality assurance testing using one customer environment or environment component for each

1 release for which customers were receiving objects, with the exception of release 8SP1, for which
2 it is reasonably believed that two customer environments or environment components were used.
3 The quality assurance individual fix testing related to this particular master fix record likely
4 occurred using the following five environments or environment components:

- 5 • H702RHIM: David Swartwood tested the objects in the HRMS 7.02 environment for
6 Robert Half International. *See* TN-OR04446719, TN (Hard Drive).75 at View: 4.
7 Master Fixes\4. By Fix ID\CSS-TN-0103076718\Select Test Plan\Select Test Process;
8 TN-OR03526101; TN-OR03528375; TN-OR0657705, TN (Hard Drive).94 at TN-
9 FS01_F\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
10 Documents\TN-PY07MAR\Individual Fix Testing\TN-0103076718\h702rhim.
- 11 • H801BAXO: Sara Lu tested the objects in the HRMS 8.01 environment of Baxter
12 International *See* TN-OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4.
13 By Fix ID\CSS-TN-0103076718\Select Test Process; TN-OR03526030; TN-
14 OR03528375; TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\DellRestore\F
15 Drive\Consultant Docs & Templates\Fix Delivery Work Documents\TN-
16 PY07MAR\Individual Fix Testing\TN-0103076718\H801BAXO.
- 17 • H801GVRM: David Swartwood conducted a partial test of these objects using the
18 HRMS 8.01 environment or environment components of Greater Vancouver Regional.
19 *See* TN-OR03526030; TN-OR0657705, TN (Hard Drive).94 at TN-
20 FS01_F\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
21 Documents\TN-PY07MAR\Individual Fix Testing\TN-0103076718\TN-0103079048
22 On RL1 Summary (CTX915R) the employer PPIP premium (QPIP premium) does not
23 show up.doc.
- 24 • H831FCSO: Sara Lu tested the objects in the HRMS 8.31 environment of Fairchild
25 Semiconductor. *See* TN-OR04446719, TN (Hard Drive).75 at View: 4. Master
26 Fixes\4. By Fix ID\CSS-TN-0103076718\Select Test Process; TN-OR03526022; TN-
27 OR0657705, TN (Hard Drive).94 at TN-FS01_F\DellRestore\F Drive\Consultant
28

1 Docs & Templates\Fix Delivery Work Documents\TN-PY07MAR\Individual Fix
2 Testing\TN-0103076718\H831FCSO.

- 3 • H881WMIO: Shelley Blackmarr tested the fix in the HRMS 8.81 environment of
4 Waste Management Resources. *See* TN-OR04446719, TN (Hard Drive).75 at View: 4.
5 Master Fixes\4. By Fix ID\CSS-TN-0103076718>Select Test Process; TN-
6 OR03528365; TN-OR03528375; TN-OR0657705, TN (Hard Drive).94 at TN-
7 FS01_F\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
8 Documents\TN-PY07MAR\Individual Fix Testing\TN-0103076718\H881WMIO.

9 Shelley Blackmarr was designated the lead quality assurance tester for this master fix
10 record and likely conducted the initial quality assurance test in the 8.8SP1 environment of Waste
11 Management (H881WMIO). While working through that quality assurance test, Blackmarr likely
12 developed the initial quality assurance individual fix testing plan. TN-OR0657705, TN (Hard
13 Drive).94 at TN-FS01_F\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work
14 Documents\TN-PY07MAR\Individual Fix Testing\TN-0103076718\TN-0103079048 H881 On
15 RL1 Summary (CTX915R) the employer PPIP premium (QPIP premium) does not show up.doc.
16 This document was the basis for the testing plans followed for the remaining four tests. *See, e.g.,*
17 TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\DellRestore\F Drive\Consultant Docs &
18 Templates\Fix Delivery Work Documents\TN-PY07MAR\Individual Fix Testing\TN-
19 0103076718\TN-0103079048 H831 On RL1 Summary (CTX915R) the employer PPIP premium
20 (QPIP premium) does not show up.doc; TN-OR0657705, TN (Hard Drive).94 at TN-
21 FS01_F\DellRestore\F Drive\Consultant Docs & Templates\Fix Delivery Work Documents\TN-
22 PY07MAR\Individual Fix Testing\TN-0103076718\TN-0103079048 H801 On RL1 Summary
23 (CTX915R) the employer PPIP premium (QPIP premium) does not show up.doc; TN-
24 OR0657705, TN (Hard Drive).94 at TN-FS01_F\DellRestore\F Drive\Consultant Docs &
25 Templates\Fix Delivery Work Documents\TN-PY07MAR\Individual Fix Testing\TN-
26 0103076718\TN-0103079048 H702 On RL1 Summary (CTX915R) the employer PPIP premium
27 (QPIP premium) does not show up.doc.

1 Further quality assurance testing was done as part of the bundling testing process for TN-
2 PY07MAR customer specific bundles. TomorrowNow reasonably believes that a bundle test was
3 completed separately for each of the customers that received objects related to this particular
4 master fix record as part of the PY07MAR bundle, using each of the customer's respective
5 environment or environment components on TomorrowNow's network. *See* TN-OR04497673,
6 TN (Disc).186 at Web01\ClientFix\TN-PY07MAR\ BAX-TN-PY07MAR\BAX-TN-
7 PY07MAR.zip\PY07MAR\PY07MAR_BATCH\sqr; TN-OR04497673, TN (Disc).186 at
8 Web01\ClientFix\TN-PY07MAR\ CCO-TN-PY07MAR\PY07MAR\PY07MAR_BATCH\sqr;
9 TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY07MAR\ GVR-TN-
10 PY07MAR\PY07MAR\PY07MAR_BATCH\sqr; TN-OR04497673, TN (Disc).186 at
11 Web01\ClientFix\TN-PY07MAR\ WMI-TN-PY07MAR\PY07MAR\PY07MAR_BATCH\sqr.
12 In addition, TomorrowNow reasonably believes that Kimberly Martinez bundle tested these fix
13 objects for the TN-PY07MAR bundle in the Robert Half 7.02 environment, even though it
14 appears that Robert Half did not ultimately receive the objects with the PY07MAR bundle. *See*
15 TN-OR07007731. TomorrowNow does, however, reasonably believe that Robert Half received
16 these objects as part of the fixes that were delivered and associated with master fix record CSS-
17 TN-0119074663.

18 TomorrowNow further reasonably believes that the bundling testing was likely completed
19 separately for each of the customers that received objects related to this master fix record as part
20 of the fixes delivered and associated with master fix record CSS-TN-0119074663, in each
21 customer's respective environment on TomorrowNow's network. In addition, TomorrowNow
22 likely conducted a remote quality assurance bundle test for fixes associate with master fix record
23 CSS-TN-0119074663 using Direct Energy Marketing's environment or environment components
24 on Direct Energy Marketing's network. *See* TN-OR03536361. TomorrowNow reasonably
25 believes that fixes associated with CSS-TN-0119074663 were delivered to Direct Energy
26 Marketing and contained the objects at issue in CSS-TN-0103076718. And, TomorrowNow
27 reasonably believes Kim Martinez bundle tested these fix objects for a TN-PY07MAR sync-up
28 bundle in the Overwaitea Food Group 8.8SP1 environment (H881OFGO). TN-OR06571679.

1 TomorrowNow has not been able to locate any additional information regarding the use of
2 any additional environments or environment components used during the quality assurance
3 process for this particular master fix record.

4 ***Delivery***

5 TomorrowNow reasonably believes that the objects developed as a result of this master
6 fix record were delivered as part of either the fixes associated with CSS-TN-0119074663 and/or
7 TN-PY07MAR. TomorrowNow reasonably believes that Baxter International, CompuCom,
8 Direct Energy Marketing, Fairchild Semiconductor, Foot Locker Incorporated, Greater
9 Vancouver Regional, Robert Half International, Tropical Shipping USA, Wendy's, and Waste
10 Management Resources received fixes associated with master fix record CSS-TN-0119074663
11 that contained objects developed in connection with the master fix record at issue. *See* TN-
12 OR04446719, TN (Hard Drive).75 at View: 5. Client Fixes\2. By Master Fix\CSS-TN-
13 0119074663>Select Fix Notes (Internal Use Only)\Select General Notes; TN-OR04497673, TN
14 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\BAX-TN-0119074663\BAX-TN-
15 0119074663.zip\BAX-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
16 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\CCO-TN-0119074663\CCO-TN-
17 0119074663.zip\CCO-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\FCS-TN-0119074663\FCS-TN-
19 0119074663.zip\FCS-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
20 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\FLI-TN-0119074663\FLI-TN-
21 0119074663.zip\FLI-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
22 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\GVR-TN-0119074663\GVR-TN-
23 0119074663.zip\GVR-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\RHI-TN-0119074663\RHI-TN-
25 0119074663.zip\RHI-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
26 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\TSU-TN-0119074663\TSU-TN-
27 0119074663.zip\TSU-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
28 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\WEN-TN-0119074663\WEN-TN-

1 0119074663.zip\WEN-TN-0119074663\0119074663_BATCH\sqr; TN-OR04497673, TN
 2 (Disc).186 at Web01\ClientFix\CSS-TN-0119074663\WMI-TN-0119074663\WMI-TN-
 3 0119074663.zip\WMI-TN-0119074663\0119074663_BATCH\sqr; TN-OR02110964.
 4 TomorrowNow further reasonably believes that Baxter International, CompuCom, Greater
 5 Vancouver Regional, and Waste Management Resources received a TN-PY07MAR bundle that
 6 contained objects developed as a result of this master fix record at issue. *See* TN-OR04497673,
 7 TN (Disc).186 at Web01\ClientFix\TN-PY07MAR\BAX-TN-PY07MAR\BAX-TN-
 8 PY07MAR.zip\PY07MAR\PY07MAR_BATCH\sqr; TN-OR04497673, TN (Disc).186 at
 9 Web01\ClientFix\TN-PY07MAR\CCO-TN-PY07MAR\PY07MAR\PY07MAR_BATCH\sqr;
 10 TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY07MAR\GVR-TN-
 11 PY07MAR\PY07MAR\PY07MAR_BATCH\sqr; TN-OR04497673, TN (Disc).186 at
 12 Web01\ClientFix\TN-PY07MAR\WMI-TN-PY07MAR\PY07MAR\PY07MAR_BATCH\sqr.

13 In addition, TomorrowNow reasonably believes that Overwaitea Food Group was
 14 scheduled to receive the objects developed as a result of this fix in a sync-up bundle. *See* TN-
 15 OR06571679. TomorrowNow reasonably believes that it is likely that the objects developed as a
 16 result of this master fix were delivered to Overwaitea as part of the TN-PY07JUN bundle in lieu
 17 of a sync-up bundle. *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
 18 PY07JUN\OFG-TN-PY07JUN\OFG-TN-PY07JUN.zip\PY07JUN\PY07JUN_BATCH\sqr; TN-
 19 OR07041417 – TN-OR07041420.

20 TomorrowNow has not been able to locate any additional information regarding the
 21 delivery of the objects associated with this particular master fix record.

22 ***Source of Environments Referenced Above***

23 For TomorrowNow's PeopleSoft customers for whom TomorrowNow created a local
 24 environment on TomorrowNow's network, it was TomorrowNow's general practice to build an
 25 environment on each customer's behalf using that customer's PeopleSoft application files
 26 provided to TomorrowNow by that customer on CD, tape, or some other way determined by the
 27 specific customer providing those application files. TomorrowNow's standard naming
 28 convention for the customer environments TomorrowNow maintained on its network on behalf of

1 each such customer included the following: (1) the first character was the type of application
2 being used (H for human resources or F for financials); (2) the next three characters corresponded
3 to the PeopleSoft release (i.e., 801 for 8SP1 or 842 for 8.4SP2); (3) the next three characters
4 identified the customer (i.e., RHI for Robert Half International); and (4) the final character
5 represented the type of database the environment was built to access (i.e., O for Oracle or M for
6 Microsoft).

7 Based on the foregoing, TomorrowNow reasonably believes the following environments
8 or environment components were built using the PeopleSoft application files provided by the
9 specific customers, who are identified through the standard environment naming convention
10 depicted in the following environment names:

- 11 • H801BAXO—from Baxter International
- 12 • H881WMIO—from Waste Management Resources
- 13 • H881CCCO—from CompuCom
- 14 • H801GVRM—from Greater Vancouver Regional
- 15 • H831FCSSO—from Fairchild Semiconductor
- 16 • H831FLIO—from Foot Locker Incorporated
- 17 • H831TSUM—from Tropical Shipping USA
- 18 • H831WEND—from Wendy's
- 19 • H881OFGO—from the Overwaitea Food Group

20 Further, TomorrowNow reasonably believes that the Robert Half environment was created
21 from the HR75105B environment. *See* TN-OR 06125330, TN (Disc).202 BakTrak\Search
22 Restore Log. The HR75105B environment was likely created from PeopleSoft application
23 provide by either Safeway or Washington Gas Light. *See* May 12, 2009 Deposition of Catherine
24 Hyde at 32:3-22.

25 To the extent that TomorrowNow used or accessed a remote environment at Direct Energy
26 Marketing during the developing, testing and delivering of these objects, TomorrowNow does not
27 have possession, custody or control over these environments and thus cannot respond as to the
28 source for those environments.

1 this particular master fix record, TomorrowNow downloaded and reviewed the PeopleSoft Tax
2 Update 05B for HRMS 8SP1. *See* TN-OR0657705, TN (Hard Drive).94 at TN-
3 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work Documents\Tax Update
4 Work Documents\TN-2005B\2005B-8SP1 to 7.xRetrofit Project Plan.20050412.xls.

5 TomorrowNow used an internal record keeping method referred to as the “Matrix” to
6 record a description of the various issues changed or fixed by the PeopleSoft Tax Update 05B for
7 HRMS 8SP1 release. *Id.* TomorrowNow then evaluated those descriptions to help determine
8 which changes were needed for TomorrowNow’s customers on the 7.51 release. *Id.*
9 TomorrowNow documented aspects of the process in a document called
10 “751C_Decision_Matrix.xls.” *Id.*

11 As part of this process, TomorrowNow also used or created environments or environment
12 components to help with its replication, development and testing efforts – HR81005A,
13 HR81005B, HR751REP, HR751DEV and HR75105B. *See* TN-OR0657705, TN (Hard Drive).94
14 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work Documents\Tax
15 Update Work Documents\TN-2005B\2005B-8SP1 to 7.xRetrofit Project Plan.20050412.xls.
16 Although TomorrowNow has not been able to locate any specific records documenting the
17 activity for this particular master fix record, it is possible that TomorrowNow might have used the
18 HR751REP environment to attempt to replicate some of the issues resolved by the PeopleSoft
19 Tax Update 05B for HRMS 8SP1 release and might have compared the environment components
20 from HR81005B with those contained in HR81005A.

21 During the scoping process, TomorrowNow determined that it had contracted to provide
22 retrofit support to the following HRMS Payroll 7.51 clients:

- 23 • Advance Auto Parts
- 24 • Bear Stearns & Co., Inc.
- 25 • Berkshire Realty Holdings, Inc.
- 26 • California Water Services
- 27 • CKE Restaurants, Inc.
- 28 • The Empire District Electric Company

- 1 • General Chemical Corporation
- 2 • Heritage Valley Health System
- 3 • ICF Consulting Group, Inc.
- 4 • Lockheed Martin
- 5 • NiSource
- 6 • Norwegian Cruise Lines
- 7 • Universal City Studios
- 8 • University Health System

9 ***Development***

10 As stated above, the master fix record itself is only a description of an issue or problem to
 11 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
 12 developed and delivered that relate to this particular master fix record are the actual delivered
 13 fixes and updates that were provided to customers and identified with this master fix record.
 14 Under this specific master fix record, TomorrowNow developed five types of objects for each
 15 customer: .dats, .dms, COBOLs, SQRs, and online projects. *See* TN-OR0657705, TN (Hard
 16 Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work
 17 Documents\Tax Update Work Documents\TN-2005B\2005B-8SP1 to 7.xRetrofit Project
 18 Plan.20050412.xls. TomorrowNow developed or retrofitted a total of 95 different objects under
 19 this master fix record. *See* TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
 20 Drive\TN Bundled PS Updates&Fixes\TN Delivered Updates & Fixes\HRMS 7.51
 21 Commercial\TN-2005B-751C\2005B-751C_INSTALL\TN-2005B-751C-Objects.xls.
 22 TomorrowNow believes that Catherine Hyde was likely generally involved in the development of
 23 the majority of these objects. In addition, it appears that Lauren Meixner potentially developed
 24 some of the .sqr and COBOL objects. *See* TN-OR00842591.

25 To develop these objects, TomorrowNow accessed PeopleSoft Customer Connection and
 26 downloaded the PeopleSoft Tax Update 05B for the HRMS 8SP1 release. *See* TN-OR04446719,
 27 TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\2005B-751C>Select Fix Notes
 28 (Internal Use Only). TomorrowNow applied this update to the HR81005B environment. *See* TN-

1 OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs &
2 Templates\Work Documents\Tax Update Work Documents\TN-2005B\2005B-8SP1 to
3 7.xRetrofit Project Plan.20050412.xls. After the update was applied to HR81005B,
4 TomorrowNow likely made comparisons between the HR81005B environment components and
5 the environment components contained in HR81005A and HR75105A. Such comparisons were
6 likely done in an attempt to identify those objects in the PeopleSoft Tax Update 05B for the
7 HRMS 8SP1 release that TomorrowNow's customers on release 7.51 needed and to determine
8 what, if any, changes needed to be made to customers' 7.51 environment component objects.

9 TomorrowNow likely developed the .sqr, COBOL, and online project objects in the
10 HR751DEV environment. *See* TN-OR0657705, TN (Hard Drive).94 at TN-
11 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work Documents\Tax Update
12 Work Documents\TN-2005B\2005B-8SP1 to 7.xRetrofit Project Plan.20050412.xls. To develop
13 the .dat and .dms objects, TomorrowNow believes that the HR751DAT environment component
14 was used. *See, e.g.*, TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F
15 Drive\TN Bundled PS Updates&Fixes\TN Delivered Updates & Fixes\HRMS 7.51
16 Commercial\TN-2005B-751C\2005B-751C\2005B-751C_BATCH\data\T05B751M_TN.DAT.

17 ***Testing/Replication***

18 The process of testing the development changes for the 95 objects relating to this
19 particular master fix record involved a two step process. The first step was to replicate the issues
20 (problem scenarios) that led to PeopleSoft's development the fixes at the 8SP1 release level. The
21 second step involved actually testing the objects to insure the retrofit development corrected the
22 issues, if any, for the unsupported 7.51 release.

23 During the replication process, TomorrowNow created functional test scenario documents
24 and test data to replicate all identified issues. TomorrowNow has not been able to determine who
25 created the documents or test data, but believes one or more of the following employees created
26 these documents and test data: Kimberly Martinez, Wanda Jones, Todd Murray, or Tim Harper.
27 *See* TN-OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs
28

1 & Templates\Work Documents\Tax Update Work Documents\TN-2005B\2005B-8SP1 to
2 7.xRetrofit Project Plan.20050412.xls.

3 TomorrowNow believes that the vast majority of the replication related to this particular
4 master fix record occurred in the HR751REP environment. *Id.* In at least one instance, however,
5 replication occurred in the HR751AR environment. *See* TN-OR04446719, TN (Hard Drive).75 at
6 View: 4. Master Fixes\4. By Fix ID\2005B-751C\Select Fix Notes (Internal Use Only)\Select
7 Test Plan/Case Documentation\751C05B Testing.exe\Select Testing Completed\Select Test Item
8 66_Supplemental Scenarios.doc.

9 For the testing process associated with this particular master fix record, TomorrowNow
10 likely conducted unit tests using the HR751DEV environment or environment components.
11 TomorrowNow reasonably believes that Melissa Dominguez (Garcia) and Catherine Hyde
12 completed a unit test for the objects at issue in the HR751DEV environment. *See* TN-
13 OR0657705, TN (Hard Drive).94 at TN-FS01_F\C\DellRestore\F Drive\Consultant Docs &
14 Templates\Work Documents\Tax Update Work Documents\TN-2005B\2005B-8SP1 to
15 7.xRetrofit Project Plan.20050412.xls; *see also* TN-OR00842591. While TomorrowNow has not
16 been able to locate any information to determine exactly which environment or environment
17 components Hyde used as part of the any testing, it is likely that she conducted the unit test where
18 she developed the objects, which would likely have occurred in HR751DEV.

19 In addition, TomorrowNow performed functional testing on the objects as a whole that are
20 associated with this particular master fix record. For the functional testing, TomorrowNow
21 confirmed that all identified issues were fixed. *See* TN-OR0657705, TN (Hard Drive).94 at TN-
22 FS01_F\C\DellRestore\F Drive\Consultant Docs & Templates\Work Documents\Tax Update
23 Work Documents\TN-2005B\2005B-8SP1 to 7.xRetrofit Project Plan.20050412.xls.

24 TomorrowNow also performed year-end processing to produce all state and federal files
25 associated with this particular master fix record. *Id.* TomorrowNow believes the one or more of
26 the following employees were involved in the testing aspect of these objects: Kimberly Martinez,
27 Melissa Dominguez (Garcia), Shelley Nelson, Wanda Jones, and Todd Murray. Further,
28

1 TomorrowNow believes that all of the objects associated with this particular master fix record
2 were applied and tested in the HR75105B environment. *Id.*

3 ***Delivery/Documentation***

4 Following completion of the testing process, Sharon Piper generated the documentation to
5 accompany these objects. *Id.* To confirm which objects were being delivered, it is possible that
6 Piper would have accessed the environment HR75105B. TomorrowNow, however, has not been
7 able to locate any records that any environment component was actually used in the
8 documentation process.

9 TomorrowNow reasonably believes that Beth Lester generated client bundles for 2005B-
10 751C. *See* TN-OR00842607. After Lester generated the bundles, TomorrowNow believes the
11 following clients received the objects modified under this master fix record:

- 12 • Advance Auto Parts: *See* TN-OR04497673, TN (Disc).186 at
13 Web01\ClientFix\2005B-751C\ADV-TN-2005B-751C\ADV-TN-2005B-
14 751C.ZIP\ADV-TN-2005B-751C\2005B-751C_INSTALL\ADV-TN-2005B-751C-
15 Objects.xls.
- 16 • Bear Stearns & Co., Inc.: *See* TN-OR04497673, TN (Disc).186 at
17 Web01\ClientFix\2005B-751C\BSC-TN-2005B-751C\BSC-TN-2005B-
18 751C.ZIP\BSC-TN-2005B-751C\2005B-751C_INSTALL\BSC-TN-2005B-751C-
19 Objects.xls.
- 20 • Berkshire Realty Holdings, Inc.: *See* TN-OR04497673, TN (Disc).186 at
21 Web01\ClientFix\2005B-751C\BRH-TN-2005B-751C\BRH-TN-2005B-
22 751C.ZIP\BRH-TN-2005B-751C\2005B-751C_INSTALL\BRH-TN-2005B-751C-
23 Objects.xls.
- 24 • CKE Restaurants, Inc.: *See* TN-OR04497673, TN (Disc).186 at
25 Web01\ClientFix\2005B-751C\CKE-TN-2005B-751C\CKE-TN-2005B-
26 751C.ZIP\CKE-TN-2005B-751C\2005B-751C_INSTALL\CKE-TN-2005B-751C-
27 Objects.xls.

- 1 • California Water Services: *See* TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\2005B-751C\CWS-TN-2005B-751C\CWS-TN-2005B-
3 751C.ZIP\CWS-TN-2005B-751C\2005B-751C_INSTALL\CWS-TN-2005B-751C-
4 Objects.xls.
- 5 • The Empire District Electric Company: *See* TN-OR04497673, TN (Disc).186 at
6 Web01\ClientFix\2005B-751C\EDE-TN-2005B-751C\EDE-TN-2005B-
7 751C.ZIP\EDE-TN-2005B-751C\2005B-751C_INSTALL\EDE-TN-2005B-751C-
8 Objects.xls.
- 9 • General Chemical Corporation: *See* TN-OR04497673, TN (Disc).186 at
10 Web01\ClientFix\2005B-751C\GCC-TN-2005B-751C\GCG-TN-2005B-
11 751C.ZIP\GCG-TN-2005B-751C\2005B-751C_INSTALL\GCG-TN-2005B-751C-
12 Objects.xls.
- 13 • Heritage Valley Health System: *See* TN-OR04497673, TN (Disc).186 at
14 Web01\ClientFix\2005B-751C\HVH-TN-2005B-751C\HVH-TN-2005B-
15 751C.ZIP\HVH-TN-2005B-751C\2005B-751C_INSTALL\HVH-TN-2005B-751C-
16 Objects.xls.
- 17 • ICF Consulting Group, Inc.: *See* TN-OR04497673, TN (Disc).186 at
18 Web01\ClientFix\2005B-751C\ICF-TN-2005B-751C\ICF-TN-2005B-751C.ZIP\ICF-
19 TN-2005B-751C\2005B-751C_INSTALL\ICF-TN-2005B-751C-Objects.xls.
- 20 • Lockheed Martin: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\2005B-
21 751C\LHM-TN-2005B-751C\LHM-TN-2005B-751C.ZIP\LHM-TN-2005B-
22 751C\2005B-751C_INSTALL\LHM-TN-2005B-751C-Objects.xls.
- 23 • NiSource: *See* TN-OR04497673, TN (Disc).186 at Web01\ClientFix\2005B-
24 751C\NIS-TN-2005B-751C\NIS-TN-2005B-751C.ZIP\NIS-TN-2005B-751C\2005B-
25 751C_INSTALL\NIS-TN-2005B-751C-Objects.xls.
- 26 • Norwegian Cruise Lines: *See* TN-OR04497673, TN (Disc).186 at
27 Web01\ClientFix\2005B-751C\NCL-TN-2005B-751C\NCL-TN-2005B-
28

1 751C.ZIP\NCL-TN-2005B-751C\2005B-751C_INSTALL\NCL-TN-2005B-751C-
2 Objects.xls.

- 3 • Universal City Studios: *See* TN-OR04497673, TN (Disc).186 at
4 Web01\ClientFix\2005B-751C\UNI-TN-2005B-751C\UNI-TN-2005B-
5 751C.ZIP\UNI-TN-2005B-751C\2005B-751C_INSTALL\UNI-TN-2005B-751C-
6 Objects.xls.
- 7 • University Health System: *See* TN-OR04497673, TN (Disc).186 at
8 Web01\ClientFix\2005B-751C\UNH-TN-2005B-751C\ UNH-TN-2005B-
9 751C.ZIP\UNH-TN-2005B-751C\2005B-751C_INSTALL\UNH-TN-2005B-751C-
10 Objects.xls.

11 TomorrowNow reasonably believes that all of these customers received all 95 objects.
12 *See* TN-OR04446719, TN (Hard Drive).75 at View: 4. Master Fixes\4. By Fix ID\2005B-
13 751C\Select Fix Notes (Internal Use Only)\Shipping Summary; TN-OR00401292; TN-
14 OR02601419; TN-OR02254075.

15 ***Source of Environments Referenced Above***

- 16 • HR81005B: The original environment that became HR81005B was likely created
17 using the PeopleSoft application material provided by either Safeway or Washington
18 Gas Light.
- 19 • HR81005A: The original environment that became HR81005A was likely created
20 using the PeopleSoft application material provided by either Safeway or Washington
21 Gas Light.
- 22 • HR75105A: The original environment that became HR75105A was likely created
23 using the PeopleSoft application material provided by either Safeway or Washington
24 Gas Light. *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log;
25 May 12, 2009 Deposition of Catherine Hyde at 32:3-22.
- 26 • HR75105B: The original environment that became HR75105B was likely created
27 using the PeopleSoft application material provided by either Safeway or Washington
28

1 Gas Light. *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log;
2 May 12, 2009 Deposition of Catherine Hyde at 32:3-22.

- 3 • HR751DEV: The original environment that became HR751DEV was likely created
4 using the PeopleSoft application material provided by either Safeway or Washington
5 Gas Light. *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log;
6 May 12, 2009 Deposition of Catherine Hyde at 32:3-22.
- 7 • HR751DAT: The original environment that became HR751DAT was likely created
8 using the PeopleSoft application material provided by either Safeway or Washington
9 Gas Light. *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log;
10 Deposition of Catherine Hyde at 83:4-8; May 12, 2009 Deposition of Catherine Hyde
11 at 33:13-21.
- 12 • HR751AR1: The original environment that became HR751AR1 was likely created
13 using the PeopleSoft application material provided by either Safeway or Washington
14 Gas Light.
- 15 • HR751REP: The original environment that became HR751REP was likely created
16 using the PeopleSoft application material provided by either Safeway or Washington
17 Gas Light. *See* TN-OR 06125330, TN (Disc).202 at BakTrak\Search Restore Log;
18 May 12, 2009 Deposition of Catherine Hyde at 32:18-33:4.

19 **PeopleSoft Master Fix Record CSS-TN-0114089315**

20 Master Fix ID CSS-TN-0114089315 is not an actual fix that was provided to any
21 customer, it is only the identifier for the internal TomorrowNow record of a particular reported
22 issue affecting one or more TomorrowNow customers. The master fix record ID is simply a
23 reference by which TomorrowNow tracked its efforts to create individual client fixes to correct
24 the issue identified in the master fix record. *See* TN-OR04446719, TN (Hard Drive).75 at
25 View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315. This particular master fix record
26 denotes that there was a display problem on a Rhode Island tax form for electronic reporting of
27 quarterly wage updates for customers on PeopleSoft HRMS, and more specifically, those
28 TomorrowNow customers with the Payroll application. *Id.* TomorrowNow reasonably believes

1 that this master fix record was opened in response to an issue reported to TomorrowNow by
2 Robert Half International. *See* TN-OR04446719, TN (Hard Drive).75 at View:1. Support\1.
3 All>Select Cases by Fix ID\CSS-TN-0114089315; *see also id.* at Case ID 0115086206. Robert
4 Half International reported that there appeared to be a problem with the Tax810RI.sqr object. *Id.*
5 at Case Information>Select Comments/Email/Time\Incoming Email Sharon Piper 01/11/2008 –
6 FW>Error in Tax810RI. TomorrowNow assigned this issue to a case (Case ID 0115086206) and
7 that case was later subsumed into the master fix record (Master Fix Record CSS-TN-
8 0114089315). *See* TN-OR04446719, TN (Hard Drive).75 at View:1. Support\1. All>Select Cases
9 by Fix ID\CSS-TN-0114089315. The purpose of the master fix record was to track
10 TomorrowNow's efforts in creating and delivering objects to TomorrowNow's HRMS customers
11 that had contracted for, and needed, this particular required change. *See* TN-OR04446719, TN
12 (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315\Fix Issues>Select
13 Issue Summary; *Id.* at Fix Issues>Select Fix Solution Summary. TomorrowNow generated
14 specific fixes associated with this particular master fix record. *See* TN-OR04446719, TN (Hard
15 Drive).75 at View: 5.Client Fixes\2. By Master Fix\CSS-TN-0114089315. TomorrowNow
16 Primary Support Engineer Sharon Piper activated the master fix process in SAS and was the
17 owner of this master fix record. *See id.* TomorrowNow reasonably believes that 59 customers
18 received objects related to this particular master fix record. Below is detailed information
19 regarding the processes related to this master fix record and any environments or environment
20 components used as part of those processes that TomorrowNow, with the assistance of its
21 counsel⁶ in this litigation, was reasonably able to locate and include after extensive investigation
22 related to this particular master fix record.

23 ***Scoping***

24 Scoping is the initial process of identifying an issue and determining a plan for resolving
25 that issue. For this particular master fix record, Piper discussed the issue with the representative
26 from Robert Half International. *See* TN-OR04446719, TN (Hard Drive).75 at View:1. Support\1.
27 All>Select Cases by Fix ID\CSS-TN-0114089315\ Case Information>Select

28 ⁶ *See* fn. 1, *supra*.

1 Comments/Email/Time\Incoming Call Sharon Piper 01/14/2008 – Call from Linda –Action Plan.
2 TomorrowNow reasonably believes that Robert Half identified that this issue required a
3 correction to an .sqr object. *Id.* at Case Information\Select Comments/Email/Time\Incoming
4 Email Sharon Piper 01/11/2008 – FW:Error in Tax810RI.

5 TomorrowNow reasonably believes that after talking with Robert Half’s representative,
6 Piper researched the issue by going the to Rhode Island Department of Revenue’s website and
7 downloading a document detailing how to electronically report quarterly wage updates. *See* TN-
8 OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-
9 0114089315\Select Fix Notes (Internal Use Only)\Select Scoping. Next, TomorrowNow
10 reasonably believes Piper recreated the issue in the H702RHIM environment or environment
11 component located on TomorrowNow network. *See* TN-OR04446719, TN (Hard Drive).75 at
12 View:1. Support\1. All\Select Cases by Fix ID\CSS-TN-0114089315\ Case Information\Select
13 Comments/Email/Time\Outgoing Email January 14, 2008 – master Fix ID CSS-TN-0114089315.
14 TomorrowNow further reasonably believes that Piper recreated the issue in a 7.51 environment as
15 well. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-
16 0114089315\Select Fix Notes (Internal Use Only)\Select Scoping. After extensive research into
17 the available data, including a call with Piper, TomorrowNow has not yet been able to determine
18 what 7.51 environment or environment component Piper likely used to recreate the issue for the
19 7.51 release.

20 During the scoping process, TomorrowNow reasonably believes that TomorrowNow
21 employees confirmed that this issue arose only for customers with Rhode Island payroll
22 requirements. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix
23 ID\CSS-TN-0114089315. Further, TomorrowNow reasonably believes that TomorrowNow
24 employees confirmed that this issue could be resolved by modifying .sqr objects. *Id.* at Select Fix
25 Deliverables\Select TN-0114089315_FixObjectsList.xls.

26 TomorrowNow reasonably believes that TomorrowNow employees determined that fixes
27 associated with this particular master fix record were required for the following PeopleSoft
28

1 HRMS releases: 7.02, 7.51, 8SP1, 8.3SP1, 8.8SP1, 8.9. *See* TN-OR04446719, TN (Hard
2 Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315.

3 ***Replication***

4 Other than the replication described above that likely took place during the scoping
5 process, TomorrowNow has not been able to locate any information regarding any other
6 replication that may have been performed relating to this particular master fix record. This may
7 indicate that further replication for this particular master fix record was unnecessary and thus not
8 performed.

9 ***Development***

10 As stated above, the master fix record itself is only a description of an issue or problem to
11 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
12 developed and delivered that relate to this particular master fix record are the actual delivered
13 fixes and updates that were provided to customers and identified with this master fix record.
14 TomorrowNow reasonably believes that Rick Frank determined that certain .sqr objects would
15 need to be modified and delivered to customers that contracted with TomorrowNow to receive
16 this type of fix. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix
17 ID\CSS-TN-0114089315\Fix Task Status. TomorrowNow also reasonably believes that the
18 objects associated with this particular master fix record were scheduled to be part of the
19 TomorrowNow customer specific PY08MAR bundles.

20 TomorrowNow further reasonably believes that Frank likely performed the initial
21 development associated with the particular master fix record using Robert Half's environment or
22 environment components (H751RHIM). While doing the development, Frank drafted a
23 Functional/Technical Requirement Specification ("FTRS") document. *See id.* at Fix Notes
24 (Internal Use Only)\Select Functional/Technical Analysis\Select TN-0114089315FTRS.doc. In
25 that document, Frank provided an overview of the development and general description of the
26 required changes. *Id.* TomorrowNow also reasonably believes that TomorrowNow employees
27 used the FTRS as one reference used to develop the required modifications for other customers
28 requiring the relevant .sqr objects.

1 After developing the .sqr object using Robert Half's environment or environment
2 component, TomorrowNow reasonably believes that Frank went on to develop objects for the
3 following customers using those customers' specific environments or environment components:

4 • HRMS 7.51 Commercial

5 ⇒ Advance Auto Parts—TomorrowNow has not yet been able to locate information
6 identifying the specific environment or environment component used to modify
7 the object for this customer. *See* TN-OR06756457, TN (Hard Drive).102 at TN-
8 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 7.51
9 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source1

10 ⇒ Bear Stearns & Co., Inc. (H751BSCS): *See* TN-OR06756457, TN (Hard
11 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
12 HRMS 7.51 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source2

13 ⇒ The Empire District Electric Company (H751EDEO): *See* TN-OR06756457, TN
14 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
15 Staging\CSS HRMS 7.51 Commercial\PY08MAR\Individual Fixes\TN-
16 0114089315\Source3

17 ⇒ Heritage Valley Health System— TomorrowNow has not yet been able to locate
18 information identifying the specific environment or environment component used
19 to modify the object for this customer. *See* TN-OR06756457, TN (Hard
20 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
21 HRMS 7.51 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source4

22 ⇒ Universal City Studios— TomorrowNow has not yet been able to locate
23 information identifying the specific environment or environment component used
24 to modify the object for this customer. *See* TN-OR06756457, TN (Hard
25 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
26 HRMS 7.51 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source5

27 • HREG 7.51
28

1 ⇒ University of Massachusetts (S760UOMO): *See* TN-OR06756457, TN (Hard
2 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
3 HREG 7.51 Education Government\PY08MAR\Individual Fixes\TN-
4 0114089315\Source1.

5 • HRMS 8SP1

6 ⇒ Baxter International (H801BAXO): *See* TN-OR06756457, TN (Hard Drive).102 at
7 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
8 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source1

9 ⇒ Blue Diamond Growers (H801BDGM): *See* TN-OR06756457, TN (Hard
10 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
11 HRMS 8SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source2

12 ⇒ Borders Group (H801BGPO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
13 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
14 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source3

15 ⇒ ConAgra (H801CAGO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
16 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
17 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source4

18 ⇒ Direct Energy Marketing: TomorrowNow has not yet been able to locate
19 information identifying the specific environment or environment component used
20 to modify the object for this customer or indicating whether this object was
21 ultimately delivered to the customer. *See* TN-OR06756457, TN (Hard Drive).102
22 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
23 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source5

24 ⇒ McClennan County (H801MCCM): *See* TN-OR06756457, TN (Hard Drive).102
25 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
26 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source6

27
28

- 1 ⇒ Quad Graphics Incorporated (H801QGIS): *See* TN-OR06756457, TN (Hard
- 2 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
- 3 HRMS 8SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source7
- 4 ⇒ Ross Dress for Less (H801ROSO): *See* TN-OR06756457, TN (Hard Drive).102 at
- 5 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
- 6 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source8
- 7 ⇒ Richmond Power & Lighting (H801RPLO): *See* TN-OR06756457, TN (Hard
- 8 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
- 9 HRMS 8SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source9
- 10 ⇒ Simon Property Group, LP: (H801SPGM): *See* TN-OR06756457, TN (Hard
- 11 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
- 12 HRMS 8SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source10
- 13 ⇒ Suburban Propane LP: (H801SPLO): *See* TN-OR06756457, TN (Hard Drive).102
- 14 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
- 15 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source11
- 16 ⇒ A.O. Smith (H801AOSO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
- 17 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
- 18 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source12
- 19 • HRMS 8.3SP1
- 20 ⇒ Alcon Laboratories (H831ALCM): *See* TN-OR06756457, TN (Hard Drive).102 at
- 21 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
- 22 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source1
- 23 ⇒ Arvin Meritor (H831ARMO): *See* TN-OR06756457, TN (Hard Drive). 102 at TN-
- 24 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
- 25 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source2
- 26 ⇒ Big Lots Stores (H831BLSD): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
- 27 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
- 28 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source3

- 1 ⇒ CC Industries (H831CCIM): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
2 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
3 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source4
- 4 ⇒ Fairchild Semiconductor (H831FSCO): *See* TN-OR06756457, TN (Hard
5 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
6 HRMS 8.3SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source5
- 7 ⇒ Honeywell (H831HONO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
8 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
9 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source6
- 10 ⇒ Linc Facility Services (H831LFSM): *See* TN-OR06756457, TN (Hard Drive).102
11 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
12 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source7
- 13 ⇒ PepsiAmericas (H831PASO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
14 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
15 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source8
- 16 ⇒ Phelps Dodge Corporation (H831PDCM): *See* TN-OR06756457, TN (Hard
17 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
18 HRMS 8.3SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source9
- 19 ⇒ Southern California Edison (H831SCED): *See* TN-OR06756457, TN (Hard
20 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
21 HRMS 8.3SP1 Commercial\PY08MAR\Individual Fixes\TN-
22 0114089315\Source10
- 23 ⇒ Shands Health (H831SHND): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
24 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
25 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source11
- 26 ⇒ LS Management (H831STAO): *See* TN-OR06756457, TN (Hard Drive).102 at
27 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
28 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source12

- 1 ⇒ Tropical Shipping USA, Inc. (H831TSUM): *See* TN-OR06756457, TN (Hard
2 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
3 HRMS 8.3SP1 Commercial\PY08MAR\Individual Fixes\TN-
4 0114089315\Source13
- 5 ⇒ Wakefern (H831WAKD): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
6 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
7 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source14
- 8 ⇒ Wendy's (H831WEND): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
9 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
10 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source15
- 11 ⇒ Footlocker Incorporated (H831FLIO): *See* TN-OR06756457, TN (Hard Drive).102
12 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
13 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source16
- 14 ⇒ American Council on Education (H831ACEM): *See* TN-OR06756457, TN (Hard
15 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
16 HRMS 8.3SP1 Commercial\PY08MAR\Individual Fixes\TN-
17 0114089315\Source17
- 18 ⇒ Aflac (H831AFLM): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
19 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
20 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source18
- 21 ⇒ Harley Davidson , Inc. (H831HDIM): *See* TN-OR06756457, TN (Hard Drive).102
22 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
23 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source19
- 24 ⇒ Olin Corporation (H831OLNI): *See* TN-OR06756457, TN (Hard Drive).102 at
25 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
26 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source20
- 27 ⇒ Toshiba America Information Systems: TomorrowNow reasonably believes that
28 the development was completed remotely on Toshiba America Information

1 Systems' network, but TomorrowNow has not yet been able to locate information
 2 identifying the specific environment or environment component used to modify
 3 the object for this customer. *See* TN-OR06756457, TN (Hard Drive).102 at TN-
 4 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
 5 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source21

6 • HRMS 8.8SP1

- 7 ⇒ CompucCom (H881CCOO): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
 8 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 9 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source1
- 10 ⇒ Children's Health System of Alabama (H881CHSO): *See* TN-OR06756457, TN
 11 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
 12 Staging\CSS HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
 13 0114089315\Source2
- 14 ⇒ City of Huntsville (H881COHM): *See* TN-OR06756457, TN (Hard Drive).102 at
 15 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 16 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source3
- 17 ⇒ East Bay Municipality (H881EBMO): *See* TN-OR06756457, TN (Hard Drive).102
 18 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 19 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source4
- 20 ⇒ Kent County Michigan (H831KCMO): *See* TN-OR06756457, TN (Hard
 21 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
 22 HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source5
- 23 ⇒ Markel Corporation (H831MKLM): *See* TN-OR06756457, TN (Hard Drive).102
 24 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 25 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source6
- 26 ⇒ Oklahoma Publishing Corporation (H881OPCM): *See* TN-OR06756457, TN
 27 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
 28

- 1 Staging\CSS HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
2 0114089315\Source7
- 3 ⇒ Waste Management Resources, LTD (H881WMIO): *See* TN-OR06756457, TN
4 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
5 Staging\CSS HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
6 0114089315\Source8
- 7 ⇒ Baker Botts (H881BKBM): *See* TN-OR06756457, TN (Hard Drive).102 at TN-
8 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
9 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source9
- 10 ⇒ Delta Dental Plan of Michigan (H881DDMO): *See* TN-OR06756457, TN (Hard
11 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
12 HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
13 0114089315\Source10
- 14 ⇒ The Interpublic Group of Companies (H881IPGO): *See* TN-OR06756457, TN
15 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
16 Staging\CSS HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
17 0114089315\Source11
- 18 ⇒ Mutual of Omaha (H881MOHO): *See* TN-OR06756457, TN (Hard Drive).102 at
19 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
20 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source12
- 21 ⇒ Oxford Global Resources, Inc. (H881OXFM): *See* TN-OR06756457, TN (Hard
22 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
23 HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
24 0114089315\Source13
- 25 ⇒ Pillsbury Winthrop Shaw Pitmman (H881PILM): *See* TN-OR06756457, TN (Hard
26 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS
27 HRMS 8.8SP1 Commercial\PY08MAR\Individual Fixes\TN-
28 0114089315\Source14

1 ⇒ Parkview Health (H881PVWO): *See* TN-OR06756457, TN (Hard Drive).102 at
 2 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 3 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source15

4 ⇒ Remy International (H881RIIO): *See* TN-OR06756457, TN (Hard Drive).102 at
 5 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
 6 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source16

7 • HRMS 8.9SP1

8 ⇒ Fundamental Administrative Service (H890FUAO): *See* TN-OR06756457, TN
 9 (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
 10 Staging\CSS HRMS 8.9SP1 Commercial\PY08MAR\Individual Fixes\TN-
 11 0114089315\Source1

12 ⇒ Global Santa Fe (H890GSFM): *See* TN-OR06756457, TN (Hard Drive).102 at
 13 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.9SP1
 14 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source2

15 ⇒ J.B. Hunt Transport (H890JBHD): *See* TN-OR06756457, TN (Hard Drive).102 at
 16 TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.9SP1
 17 Commercial\PY08MAR\Individual Fixes\TN-0114089315\Source3

18 TomorrowNow further reasonably believes that the H751NCLO environment or
 19 environment component was used to develop the object for Norwegian Cruise Lines. *See* TN-
 20 OR06756457, TN (Hard Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development
 21 Staging\CSS HRMS 7.51 Commercial\PY08MAR\BundleDev\NCL-TN-
 22 PY08MAR\PY08MAR\PY08MAR_BATCH\sqr\tax810ri.sqr.

23 In addition to the development above, including remote development, TomorrowNow
 24 reasonably believes it developed .sqr objects remotely for some additional customers. For those
 25 customers, TomorrowNow reasonably believes that the TomorrowNow employees left the
 26 developed objects on the specific customer's network as opposed to bringing the developed
 27 objects back to the TomorrowNow network to deliver them as part of the TN-PY08MAR
 28 customer specific bundles. TomorrowNow reasonably believes that development took place in

1 this manner for The Longaberger Group, Clear Channel Communications, Hitachi Global Storage
2 Technology, Standard Register Company, Syngenta Corp Protection, Inc, and Petco. *See* TN-
3 OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-
4 0114089315\Fix Notes (Internal Use Only)\Select Client Information; TN-OR04497673, TN
5 (Disc).186 at WEB01\ClientFix\TN-PY07JAN\TLC-TN-
6 PY08JAN.ZIP\PY08JAN_INSTALL\TLC-TN-PY08TLC.doc; TN-OR04497673, TN (Disc).186
7 at WEB01\ClientFix\TN-PY08JAN\CCU-TN-PY08JAN.ZIP\PY08JAN_INSTALL\CCU-TN-
8 PY08JAN.doc; TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY08MAR\HGS-TN-
9 PY08MAR.ZIP\PY08MAR_INSTALL\HGS-TN-PY08MAR.doc; TN-OR04497673, TN
10 (Disc).186 at Web01\ClientFix\TN-PY08MAR\SRC-TN-
11 PY08MAR.ZIP\PY08MAR_INSTALL\SRC-TN-PY08MAR.doc; TN-OR04497673, TN
12 (Disc).186 at WEB01\ClientFix\TN-PY08MAR\SYN-TN-
13 PY08MAR.ZIP\PY08MAR_INSTALL\SYB-TN-PY08MAR.doc; TN-OR04497673, TN
14 (Disc).186 at WEB01\ClientFix\TN-PY08MAR\PET-TN-
15 PY08MAR.ZIP\PY08MAR_INSTALL\PET-TN-PY08MAR.doc.

16 TomorrowNow reasonably believes that no additional development occurred for the
17 objects associated with this particular master fix record. *See* TN-OR06756457, TN (Hard
18 Drive).102 at TN-FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8SP1
19 Commercial\PY08MAR; *See* TN-OR06756457, TN (Hard Drive).102 at TN-
20 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.3SP1
21 Commercial\PY08MAR\BundleDev; TN-OR06756457, TN (Hard Drive).102 at TN-
22 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.8SP1
23 Commercial\PY08MAR\BundleDev; TN-OR06756457, TN (Hard Drive).102 at TN-
24 FS01_F\C\DellRestore\F Drive\Development Staging\CSS HRMS 8.9SP1
25 Commercial\PY08MAR.

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Testing

(a) Unit Testing

The process of unit testing the object changes for this master fix record involved the developer testing the objects in an environment in which the changes were made. TomorrowNow reasonably believes that Frank likely performed a unit test using the Robert Half International environment (H702RHIM). TomorrowNow further reasonably believes that Frank drafted a Unit Test plan during this time. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315>Select Development>Select Unit Test Plan\CSS-TN-0114089315 Dev-Unit Test.doc. TomorrowNow has not yet located any additional information as to whether any additional unit testing occurred. It is likely that due to the nature of this object change, Frank would not have conducted further unit testing.

(b) Quality Assurance Testing

The quality assurance process for individual fix testing the object changes made in connection with this particular master fix record involved testing the change to ensure the form displayed correctly. As part of this process, the TomorrowNow quality assurance testers likely uploaded the requisite objects to an environment and followed the test plan to insure that the objects worked correctly. In connection with this master fix record, TomorrowNow reasonably believes that Vicky Cunningham and Usha Ramamoorthy conducted the individual tests. *See* TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315\Test Plan>Select Test Document\TN-0114089315.xls.

TomorrowNow reasonably believes that the individual fix tests for objects associated with this particular master fix record were likely performed using the following environments or environment components:

- H702RHIM
- H801QGIS
- H831BLSD

- 1 • H751EDEO
- 2 • H881CCOO
- 3 • H890GSFM

4 See TN-OR04446719, TN (Hard Drive).75 at View:4. Master Fixes\4. By Fix ID\CSS-TN-
5 0114089315\Test Plan\Test Process; SAP-OR00619817.

6 In addition, TomorrowNow reasonably believes the Ramamoorthy attempted to test the
7 fix using the Norwegian Cruise Line's HRMS 7.51 environment (H751NCLO), but was unable to
8 complete the test. *Id.*

9 Further quality assurance testing was done as part of the bundling testing process for TN-
10 PY08MAR customer specific bundles. TomorrowNow reasonably believes that a bundle test was
11 completed separately for each of the customers that received objects related to this particular
12 master fix record as part of the PY08MAR bundle, using each customer's respective environment
13 or environment components as provided above in the development section. See TN-OR06090756
14 – TN-OR006090787. TomorrowNow has not yet been able to locate any specific information
15 regarding the bundle testing process for this object. TomorrowNow, however, believes that this
16 object would have been tested in each customer's environment that received the bundle.

17 TomorrowNow has not yet been able to locate any additional information regarding the
18 use of any additional environments or environment components used during the quality assurance
19 process for this particular master fix record.

20 ***Delivery***

21 As stated above, TomorrowNow reasonably believes that the objects developed as a result
22 of this master fix record were primarily delivered as part of the customer specific TN-PY08MAR
23 bundles. TomorrowNow reasonably believes that the following customers received individual
24 fixes associated with this particular master fix record:

- 25 • Advance Auto Parts—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
26 0114089315\ADV-TN-0114089315\ADV-TN-
27 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri

- 1 • Alcon Laboratories—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
2 0114089315\ALC-TN-0114089315\ALC-TN-
3 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
4 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\ALC-TN-PY08MAR\ALC-TN-
5 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 6 • American Council on Education – TN-OR04497673, TN (Disc).186 at
7 Web01\ClientFix\TN-PY08MAR08\ACE-TN-PY08MAR\ACE-TN-
8 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 9 • A.O. Smith—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
10 0114089315\AOS-TN-0114089315\AOS-TN-
11 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\AOS-TN-PY08MAR\AOS-TN-
13 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 14 • Arvin Meritor—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
15 0114089315\ARM-TN-0114089315\ARM-TN-
16 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
17 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\ARM-TN-PY08MAR\ARM-TN-
18 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 19 • Baxter International—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
20 0114089315\BAX-TN-0114089315\BAX-TN-
21 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
22 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\BAX-TN-PY08MAR\BAX-TN-
23 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 24 • Bear Stearns & Co. LP—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
25 0114089315\BSC-TN-0114089315\BSC-TN-
26 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\BSC-TN-PY08MAR\BSC-TN-
28 PY08MAR.zip\PY08MAR_INSTALL\BSC-TN-PY08MAR.doc

- 1 • Big Lots Stores—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
2 0114089315\BLS-TN-0114089315\BLS-TN-
3 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
4 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\BLS-TN-PY08MAR\BLS-TN-
5 PY08MAR.zip\PY08MAR_INSTALL\BLS-TN-PY08MAR.doc
- 6 • Blue Diamond Growers—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
7 0114089315\BDG-TN-0114089315\BDG-TN-
8 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\BDG-TN-PY08MAR\BDG-TN-
10 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 11 • Borders Group, Inc. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
12 0114089315\BGP-TN-0114089315\BGP-TN-
13 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
14 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\BGP-TN-PY08MAR\BGP-TN-
15 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 16 • CC Industries, Inc. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
17 0114089315\CCI-TN-0114089315\CCI-TN-
18 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
19 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\CCI-TN-PY08MAR\CCI-TN-
20 PY08MAR.zip\PY08MAR_INSTALL\CCI-TN-PY08MAR.doc
- 21 • Children’s Health System of Alabama—TN-OR04497673, TN (Disc).186 at
22 Web01\ClientFix\CSS-TN-0114089315\CHS-TN-0114089315\CHS-TN-
23 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\CHS-TN-PY08MAR\CHS-TN-
25 PY08MAR.zip\PY08MAR_INSTALL\CHS-TN-PY08MAR.doc
- 26 • City of Huntsville—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
27 0114089315\COH-TN-0114089315\COH-TN-
28 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN

- 1 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\COH-TN-PY08MAR\COH-TN-
2 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 3 • Clear Channel Communications — TN-OR04446719, TN (Hard Drive).75 at View:4.
4 Master Fixes\4. By Fix ID\CSS-TN-0114089315\Fix Notes (Internal Use Only)\Select
5 Client Information; TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
6 PY08JAN\CCU-TN-PY08JAN.ZIP\PY08JAN_INSTALL\CCU-TN-PY08JAN.doc
 - 7 • CompuCom—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
8 0114089315\CCO-TN-0114089315\CCO-TN-
9 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
10 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\CCO-TN-PY08MAR\CCO-TN-
11 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 12 • ConAgra Foods—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
13 0114089315\CAG-TN-0114089315\CAG-TN-
14 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\CAG-TN-PY08MAR\CAG-TN-
16 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 17 • Delta Dental Plan of Michigan – TN-OR04497673, TN (Disc).186 at
18 Web01\ClientFix\TN-PY08MAR08\DDM-TN-PY08MAR\DDM-TN-
19 PY08MAR.zip\DDM-TN-PY08MAR\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 20 • East Bay Municipality—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
21 0114089315\EBM-TN-0114089315\EBM-TN-
22 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
23 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\EBM-TN-PY08MAR\EBM-TN-
24 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 25 • The Empire District Electric Company—TN-OR04497673, TN (Disc).186 at
26 Web01\ClientFix\CSS-TN-0114089315\EDE-TN-0114089315\EDE-TN-
27 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
28

- 1 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\EDE-TN-PY08MAR\EDE-TN-
- 2 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 3 • Fairchild Semiconductor—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
- 4 TN-0114089315\FCS-TN-0114089315\FCS-TN-
- 5 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
- 6 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\FCS-TN-PY08MAR\FCS-TN-
- 7 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 8 • Foot Locker, Inc. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
- 9 0114089315\FLI-TN-0114089315\FLI-TN-
- 10 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri
- 11 • Fundamental Administrative Service—TN-OR04497673, TN (Disc).186 at
- 12 Web01\ClientFix\CSS-TN-0114089315\FUA-TN-0114089315\FUA-TN-
- 13 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
- 14 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\FUA-TN-PY08MAR\FUA-TN-
- 15 PY08MAR.zip\PY08MAR_INSTALL\FUA-TN-PY08MAR.doc
- 16 • Global Santa Fe Corporation—TN-OR04497673, TN (Disc).186 at
- 17 Web01\ClientFix\CSS-TN-0114089315\GSF-TN-0114089315\GSF-TN-
- 18 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri
- 19 • Heritage Valley Health System—TN-OR04497673, TN (Disc).186 at
- 20 Web01\ClientFix\CSS-TN-0114089315\HVH-TN-0114089315\HVH-TN-
- 21 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
- 22 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\HVH-TN-PY08MAR\HVH-TN-
- 23 PY08MAR.zip\PY08MAR_INSTALL\HVH-TN-PY08MAR.doc
- 24 • Hitachi Global Storage Technology—TN-OR04446719, TN (Hard Drive).75 at View:4.
- 25 Master Fixes\4. By Fix ID\CSS-TN-0114089315\Fix Notes (Internal Use Only)\Select
- 26 Client Information; TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
- 27 PY08MAR\HGS-TN-PY08MAR.ZIP\PY08MAR_INSTALL\HGS-TN-PY08MAR.doc
- 28

- 1 • Honeywell International, Inc. —TN-OR04497673, TN (Disc).186 at
2 Web01\ClientFix\CSS-TN-0114089315\HON-TN-0114089315\HON-TN-
3 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
4 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\HON-TN-PY08MAR\HON-TN-
5 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 6 • The Interpublic Group of Companies—TN-OR04497673, TN (Disc).186 at
7 Web01\ClientFix\TN-PY08MAR08\IPG-TN-PY08MAR\IPG-TN-
8 PY08MAR.zip\PY08MAR_INSTALL\IPG-TN-PY08MAR.doc
- 9 • J.B. Hunt Transport Inc. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
10 TN-0114089315\JBH-TN-0114089315\JBH-TN-
11 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\JBH-TN-PY08MAR\JBH-TN-
13 PY08MAR.zip\PY08MAR_INSTALL\JBH-TN-PY08MAR.doc
- 14 • Kent County Michigan—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
15 PY08MAR08\KCM-TN-PY08MAR\KCM-TN-
16 PY08MAR.zip\PY08MAR_INSTALL\KCM-TN-PY08MAR.doc
- 17 • Link Facility Services—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
18 0114089315\LFS-TN-0114089315\LFS-TN-
19 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
20 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\LFS-TN-PY08MAR\LFS-TN-
21 PY08MAR.zip\PY08MAR_INSTALL\LFS-TN-PY08MAR.doc
- 22 • The Longaberger Company – TN-OR0446719, TN (Hard Drive).75 at View:4. Master
23 Fixes\4. By Fix ID\CSS-TN-0114089315\Fix Notes (Internal Use Only)\Select Client
24 Information; TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY08JAN\TLC-
25 TN-PY08JAN.ZIP\PY08JAN_INSTALL\TLC-TN-PY08JAN.doc
- 26 • LS Management Inc. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
27 0114089315\STA-TN-0114089315\STA-TN-
28 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN

- 1 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\STA-TN-PY08MAR\STA-TN-
2 PY08MAR.zip\PY08MAR_INSTALL\STA-TN-PY08MAR.doc
- 3 • Markel Corporation—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
4 0114089315\MKL-TN-0114089315\MKL-TN-
5 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\MKL-TN-PY08MAR\MKL-TN-
7 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 8 • McLennan County—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
9 0114089315\MCC-TN-0114089315\MCC-TN-
10 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri
 - 11 • Mutual of Omaha—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
12 PY08MAR08\MOH-TN-PY08MAR\MOH-TN-
13 PY08MAR.zip\PY08MAR_INSTALL\MOH-TN-PY08MAR.doc
 - 14 • Norwegian Cruise Lines – TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
15 PY08MAR08\NCL-TN-PY08MAR\NCL-TN-PY08MAR.zip\NCL-TN-
16 PYO8MAR\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 17 • Oklahoma Publishing—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
18 0114089315\OPC-TN-0114089315\OPC-TN-
19 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri
 - 20 • Olin Corporation – TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
21 PY08MAR08\OLN-TN-PY08MAR\OLN-TN-
22 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri.
 - 23 • PepsiAmericas—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
24 0114089315\PAS-TN-0114089315\PAS-TN-
25 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri
 - 26 • PetCo—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-PY08MAR08\PET-
27 TN-PY08MAR\PET-TN-PY08MAR.zip\PY08MAR_INSTALL\PET-TN-PY08MAR.doc
- 28

- 1 • Phelps Dodge Corporation—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
2 TN-0114089315\PDC-TN-0114089315\PDC-TN-
3 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
4 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\PDC-TN-PY08MAR\PDC-TN-
5 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 6 • Pillsbury Winthrop Shaw Pittman—TN-OR04497673, TN (Disc).186 at
7 Web01\ClientFix\TN-PY08MAR08\PIL-TN-PY08MAR\PIL-TN-
8 PY08MAR.zip\PY08MAR_INSTALL\PIL-TN-PY08MAR.doc
- 9 • Remy International Incorporated – TN-OR04497673, TN (Disc).186 at
10 Web01\ClientFix\TN-PY08MAR08\RII-TN-PY08MAR\RII-TN-
11 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 12 • Richmond Power & Light—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
13 TN-0114089315\RPL-TN-0114089315\RPL-TN-
14 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\RPL-TN-PY08MAR\RPL-TN-
16 PY08MAR.zip\PY08MAR_INSTALL\RPL-TN-PY08MAR.doc
- 17 • Robert Half International—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
18 TN-0114089315\RHI-TN-0114089315\RHI-TN-
19 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
20 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\RHI-TN-PY08MAR\RHI-TN-
21 PY08MAR.zip\PY08MAR_INSTALL\RHI-TN-PY08MAR.doc
- 22 • Ross Dress for Less—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
23 0114089315\ROS-TN-0114089315\ROS-TN-
24 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
25 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\ROS-TN-PY08MAR\ROS-TN-
26 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 27 • Shands Healthcare—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
28 0114089315\SHN-TN-0114089315\SHN-TN-

- 1 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
2 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\SHN-TN-PY08MAR\SHN-TN-
3 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 4 • Simon Property Group, LP—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
5 TN-0114089315\SPG-TN-0114089315\SPG-TN-
6 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
7 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\SPG-TN-PY08MAR\SPG-TN-
8 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 9 • Southern California Edison—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
10 TN-0114089315\SCE-TN-0114089315\SCE-TN-
11 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\SCE-TN-PY08MAR\SCE-TN-
13 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 14 • Standard Register Company – TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
15 PY08MAR\SRC-TN-PY08MAR.ZIP\PY08MAR_INSTALL\SRC-TN-PY08MAR.doc
 - 16 • Suburban Propane, L.P. —TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
17 TN-0114089315\SPL-TN-0114089315\SPL-TN-
18 0114089315.zip\0114089315\0114089315_BATCH\ sqr\tax810ri; TN-OR04497673, TN
19 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\SPL-TN-PY08MAR\SPL-TN-
20 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
 - 21 • Syngenta Corp. Protection, Inc.—TN-OR04497673, TN (Disc).186 at
22 Web01\ClientFix\TN-PY08MAR\SYN-TN-PY08MAR.ZIP\PY08MAR_INSTALL\SYN-
23 TN-PY08MAR.doc
 - 24 • Toshiba American Information Systems – TN-OR04446719, TN (Hard Drive).75 at
25 View:4. Master Fixes\4. By Fix ID\CSS-TN-0114089315\Fix Notes (Internal Use
26 Only)\Select Client Information; TN-OR04497673, TN (Disc).186 at
27 Web01\ClientFix\TN-PY08JAN\TAI-TN-PY08JAN.ZIP\PY08JAN_INSTALL\TAI-TN-
28 PY08JAN.doc

- 1 • Tropical Shipping USA—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
2 0114089315\TSU-TN-0114089315\TSU-TN-
3 0114089315.zip\0114089315\0114089315_BATCH\sqr\tax810ri; TN-OR04497673, TN
4 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\TSU-TN-PY08MAR\TSU-TN-
5 PY08MAR.zip\PY08MAR_INSTALL\TSU-TN-PY08MAR.doc
- 6 • Universal City Studios, Inc. —TN-OR04497673, TN (Disc).186 at
7 Web01\ClientFix\CSS-TN-0114089315\UNI-TN-0114089315\UNI-TN-
8 0114089315.zip\0114089315\0114089315_BATCH\sqr\tax810ri; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\UNI-TN-PY08MAR\UNI-TN-
10 PY08MAR.zip\PY08MAR_INSTALL\UNI-TN-PY08MAR.doc
- 11 • University of Massachusetts—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\TN-
12 PY08MAR08\UOM-TN-PY08MAR\UOM-TN-
13 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 14 • Wakefern Food Corporation—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-
15 TN-0114089315\WAK-TN-0114089315\WAK-TN-
16 0114089315.zip\0114089315\0114089315_BATCH\sqr\tax810ri; TN-OR04497673, TN
17 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\WAK-TN-PY08MAR\WAK-TN-
18 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 19 • Waste Management Resources—TN-OR04497673, TN (Disc).186 at
20 Web01\ClientFix\CSS-TN-0114089315\WMI-TN-0114089315\WMI-TN-
21 0114089315.zip\0114089315\0114089315_BATCH\sqr\tax810ri; TN-OR04497673, TN
22 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\WMI-TN-PY08MAR\WMI-TN-
23 PY08MAR.zip\PY08MAR\PY08MAR_BATCH\sqr\tax810ri
- 24 • Wendy’s—TN-OR04497673, TN (Disc).186 at Web01\ClientFix\CSS-TN-
25 0114089315\WEN-TN-0114089315\WEN-TN-
26 0114089315.zip\0114089315\0114089315_BATCH\sqr\tax810ri; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\TN-PY08MAR08\WEN-TN-PY08MAR\WEN-TN-
28 PY08MAR.zip\PY08MAR_INSTALL\WEN-TN-PY08MAR.doc

1 As part of both the individual and bundle delivery process for this particular master fix
2 record, TomorrowNow provided customer specific documents detailing the object changes.
3 TomorrowNow does not believe any environment component was used to generate those
4 documents.

5 ***Source of Environments Referenced Above***

6 For TomorrowNow's PeopleSoft customers for whom TomorrowNow created a local
7 environment on TomorrowNow's network, it was TomorrowNow's general practice to build an
8 environment on each customer's behalf using that customer's PeopleSoft application files
9 provided to TomorrowNow by that customer on CD, tape, or some other way determined by the
10 specific customer providing those application files. TomorrowNow's standard naming
11 convention for the customer environments TomorrowNow maintained on its network on behalf of
12 each such customer included the following: (1) the first character was the type of application
13 being used (H for human resources or F for financials); (2) the next three characters corresponded
14 to the PeopleSoft release (i.e., 801 for 8SP1 or 842 for 8.4SP2); (3) the next three characters
15 identified the customer (i.e., RHI for Robert Half International); and (4) the final character
16 represented the type of database the environment was built to access (i.e., O for Oracle or M for
17 Microsoft). Based on the foregoing, TomorrowNow reasonably believes the following
18 environments or environment components were built using the PeopleSoft application files
19 provided by the specific customers, who are identified through the standard environment naming
20 convention depicted in the following environment names:

- 21 • H751EDEO—from the Empire District Electric Co.
- 22 • H751NCLO—from Norwegian Cruise Lines
- 23 • S760UOMO—from University of Massachusetts
- 24 • H801AOSO—from A.O. Smith
- 25 • H801BAXO—from Baxter
- 26 • H801BDGM—from Blue Diamond Growers
- 27 • H801BGPO—from Borders Group
- 28 • H801CAGO—from ConAgra

- 1 • H801MCCM—from McClennan County
- 2 • H801QGIS—from Quad Graphics, Inc.
- 3 • H801ROSO—from Ross Dress for Less
- 4 • H801RPLO—from Richmond Power & Light
- 5 • H801SPGM—from Simon Property Group
- 6 • H801SPLM—from Suburban Propane LP
- 7 • H831ALCM—from Alcon Laboratories
- 8 • H831ARMO—from Arvin Meritor
- 9 • H831BLSD—from Big Lots Stores
- 10 • H831CCIM—from CC Industries
- 11 • H831FSCO—from Fairchild Semiconductor
- 12 • H831HONO—from Honeywell
- 13 • H831LFSM—from Linc Facility Services, LLC
- 14 • H831PASO—from PepsiAmericas
- 15 • H831PDCM—from Phelps Dodge Corporation
- 16 • H831SCED—from Southern California Edison
- 17 • H831SHND—from Shands Healthcare
- 18 • H831STAO—from LS Management, Inc.
- 19 • H831TSUM—from Tropical Shipping USA, LLC
- 20 • H831WAKD—from Wakefern Food Corporation
- 21 • H831WEND—from Wendy's
- 22 • H831FLIO—from Foot Locker Incorporated
- 23 • H831ACEM—from American Council on Education
- 24 • H831AFLM—from Aflac
- 25 • H831HDIM—from Harley Davidson, Inc.
- 26 • H831OLNI—from Olin Corporation
- 27 • H881CCOO—from CompuCom
- 28 • H881CHSO—from Children's Health System of Alabama

- 1 • H881COHM—from the City of Huntsville
- 2 • H881EBMO—from the East Bay Municipality
- 3 • H831KCMO—from Kent County Michigan
- 4 • H831MKLM—from Markel Corporation
- 5 • H881OPCM—from Oklahoma Publishing Corporation
- 6 • H881WMIO—from Waste Management Resources, Ltd.
- 7 • H881BKBM—from Baker Botts
- 8 • H881DDMO—from Delta Dental Plan of Michigan
- 9 • H881IPGO—Interpublic Group of Companies, Inc.
- 10 • H881MOHO—from Mutual of Omaha
- 11 • H881OXFM—from Oxford Global Resources, Inc.
- 12 • H881PILM—from Pillsbury Winthrop Shaw Pittman LLP
- 13 • H881PVWO—from Parkview Health
- 14 • H881RIIO—from Remy International
- 15 • H890FUAO—from Fundamental Administrative Services
- 16 • H890GSFM—from Global Santa Fe
- 17 • H890JBHD—from J.B. Hunt Transport

18 Further, TomorrowNow reasonably believes that the Robert Half environment or
19 environment components (H702RHIM) was created from the HR75105B environment. *See* TN-
20 OR 06125330, TN (Disc).202 BakTrak\Search Restore Log. The HR75105B environment was
21 likely created from PeopleSoft application provide by either Safeway or Washington Gas Light.
22 *See* May 12, 2009 Deposition of Catherine Hyde at 32:3-22.

23 Further, after an extensive review of the TomorrowNow servers and information,
24 TomorrowNow has not yet been able to determine the source of H751BSCS environment or
25 environment components.

26 To the extent that TomorrowNow used or accessed remote environments or environment
27 components during the developing, testing and delivering of the objects associated with this
28

1 particular master fix record, TomorrowNow does not have possession, custody or control over
2 these environments and thus cannot respond as to the source for those environments.

3 **JD Edwards Master Fix Record 1101064011**

4 Master Fix ID 1101064011 is not an actual fix that was provided to any customer, it is
5 only the identifier for the internal TomorrowNow record of a particular reported issue affecting
6 one or more TomorrowNow customers. The master fix record ID is simply a reference by which
7 TomorrowNow tracked its efforts to create individual client fixes to correct the issue identified in
8 the master fix record. This particular master fix record denotes an issue relating to the R47042
9 and R42565 objects for the Electronic Commerce/EDI and Sales Order Management applications
10 of the Distribution product line on the One World 8.0 release. *See* TN-OR04446719, TN (Hard
11 Drive). 75 at View: 4. Master Fixes\4. By Fix ID\1101064011. TomorrowNow initiated this
12 master fix record in response to a specific customer problem for W.C. Wood Corporation, LTD
13 (“W.C. Wood”) and relates to an issue with the objects noted above not displaying summarized
14 items correctly. TomorrowNow’s initial recommended solution was to make certain code
15 changes with regard to the R42565 object, but after researching the issue, W.C. Wood requested
16 that changes not be made to the R47042 object. Lili Widjaja was the owner of this master fix
17 record and TomorrowNow reasonably believes that W.C. Wood was the only customer to receive
18 the corresponding customer fix based on this master fix record. Below is detailed information
19 regarding the processes related to this master fix record and any environments or environment
20 components used as part of those processes that TomorrowNow, with the assistance of its
21 counsel⁷ in this litigation, was reasonably able to locate and include after extensive investigation
22 related to this master fix record.

23 ***Scoping***

24 Scoping is the initial process of identifying an issue and determining a plan for resolving
25 the issue. W.C. Wood informed TomorrowNow that the R47042 and R42565 objects were not
26 displaying the summarized items correctly in September 2006. *See* TN-OR04446719, TN (Hard
27 Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select Master Fix:1101064011 and client

28 ⁷*See* fn. 1, *supra*.

1 fix: W.C.W-TN-1101064011\Select Comments/Email/Time\Select Comment – Duc Nguyen
2 9/19/2006. TomorrowNow reasonably believes that after installing ESU JE9808, W.C. Wood
3 began experiencing their problem and reported the issue to TomorrowNow. *Id.*

4 TomorrowNow reasonably believes that TomorrowNow initially tried to scope and
5 troubleshoot this issue by researching a particular ESU identified by W.C. Wood and that is
6 labeled as ESU JE9808. *Id.* at \Select Outgoing Email – Paul Ijs 9/19/2006, researching.
7 TomorrowNow also reviewed SAR 8213730 “Summarization with EDI Invoice RPT
8 155411900.” *Id.* at \Select Comment – Paul Ijs 9/19/2006, SE Research. Next, it appears that
9 TomorrowNow initially wanted to perform a search using Information Station in W.C. Wood’s
10 materials for information related to ESU JE9808. *Id.* at Outgoing Email –Paul Ijs 9/19/2006,
11 researching; *Id.* at Comment – Paul Ijs 9/19/2006, SE research. However, W.C. Wood was not
12 indexed in Information Station. Although Paul Ijs requested Keith Larsen index the downloads
13 for W.C. Wood, TomorrowNow found no evidence that Information Station was actually ever
14 used to scope this issue. *Id.* at Outgoing Email – Paul Ijs 9/19/2006, Index W.C. Woods.

15 To scope this issue, TomorrowNow reasonably believes that Paul Ijs appears to have
16 reviewed ESUs downloaded by TomorrowNow on behalf of W.C. Wood. After a review of the
17 downloaded ESUs TomorrowNow obtained on behalf of W.C. Wood and stored on DCITU01_G,
18 TomorrowNow located the ESU identified by W.C. Wood that appeared to be causing the
19 problem (i.e., ESU JE9808). *See id.* at Outgoing Email –Paul Ijs 9/19/2006, researching; *Id.* at
20 Comment – Paul Ijs 9/19/2006, SE research; TN-OR0298995, TN (Hard Drive).31 at
21 DCITBU01_G\JDEUpdates&Fixes85-103\Single Files\W.C. Woods
22 Company\OneWorld\Electronic Software Update\ERP80\JE9808_exe\JE9808.htm.

23 To assist in the scoping process, W.C. Wood also sent screen shots and example reports to
24 Paul Ijs to review. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases
25 by Fix ID\ Select Master Fix: 1101064011 and client fix: W.C.W-TN-1101064011\Select
26 Comments/Email/Time\Select Outgoing Email – Paul Ijs 9/19/06, Data received in good order.
27 Adriana O’Brien assisted Paul Ijs by further reviewing a specific SAR and summarizing and
28 consolidating code lines relating to the objects at issue as part of the initial trouble shooting

1 process. *Id.* at Incoming Email – Paul Ijs 9/19/06, Another SAR. After a thorough review of the
2 SARs downloaded on behalf of W.C. Wood and stored on DCITBU01_G, TomorrowNow has not
3 been able to locate the SAR that Paul Ijs reviewed for this fix. *See* TN-OR0298995, TN (Hard
4 Drive).31 at DCITBU01_G\JDEUpdates&Fixes85-103\Single Files\W.C. Woods
5 Company\OneWorld\Electronic Software Update. TomorrowNow has not yet located sufficient
6 information to determine with any degree of certainty if this SAR was downloaded on behalf of
7 W.C. Wood.

8 TomorrowNow reasonably believes that TomorrowNow communicated the findings to
9 W.C. Wood and additional troubleshooting was done by W.C. Wood on W.C. Wood’s production
10 environment on its network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1.
11 All\Cases by Fix ID\ Select Master Fix: 1101064011 and client fix: W.C.W-TN-
12 1101064011\Select Comments/Email/Time\Select Outgoing Email – Paul Ijs 9/20/2006, Working
13 towards a fix. Through this process, it was determined that TomorrowNow needed to develop a
14 fix for this issue and Lili Widjaja was assigned as the developer of this fix. *Id.* at Outgoing Email
15 – Paul Ijs 9/20/2006, Lili assigned developer.

16 ***Replication***

17 TomorrowNow reasonably believes that Paul Ijs and Lili Widjaja tried to replicate the
18 problem. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\
19 Select Master Fix: 1101064011 and client fix: W.C.W-TN-1101064011\Select
20 Comments/Email/Time\Select Outgoing Email – Paul Ijs 9/26/2006, Request test data on
21 M1SPC1 for debugging. TomorrowNow reasonably believes that it is likely that Paul Ijs logged
22 onto W.C. Wood’s machine remotely and attempted to replicate the problem using an
23 environment on W.C. Wood’s network where W.C. Wood allowed TomorrowNow to
24 troubleshoot, develop, and test. TomorrowNow is currently not aware of any other environments
25 or environment components other than environments located on W.C. Wood’s network that were
26 used as part of this process.

1 ***Development***

2 As stated above, the master fix record itself is only a description of an issue or problem to
3 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
4 developed and delivered that relate to this particular master fix record are the actual delivered
5 fixes and updates that were provided to customers and identified with this master fix record. For
6 this customer specific fix, Lili Widjaja was assigned the task of developing a solution. *See* TN-
7 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select Master
8 Fix: 1101064011 and client fix: W.C.W-TN-1101064011\Select Comments/Email/Time\Select
9 Comment — Lili Widjaja 11/1/2006, Working on solution. Based on an extensive review of the
10 SAS database and the documentation associated with this master fix record, TomorrowNow
11 reasonably believes that Lili Widjaja completed her work remotely on W.C. Wood’s network and
12 likely applied the changes to the R42565 object in the customer’s environment (PY7334). *Id* at
13 Outgoing Email – Paul Ijs 11/01/2006 Issue addressed-Code change implemented; *Id.* at
14 Comment – Lili Widjaja 12/06/2006, Create Project for W.C. Wood; *see also, id.* at Outgoing
15 Email — Paul Ijs 2/16/2007, Verifying environment; *Id.* at Outgoing Email – Lili Widjaja
16 2/16/2007, Case 091906401. TomorrowNow reasonably believes that the master fix record was
17 not created until after the SAS documentation, which reflects that Lili Widjaja completed her
18 initial development on the customer specific fix. TN-OR04446719, TN (Hard Drive). 75 at
19 View: 4. Master Fixes\4. By Fix ID\1101064011.

20 TomorrowNow reasonably believes that the only object that was modified during this
21 development was object R42565. With regard to object R47042, TomorrowNow reasonably
22 believes that Lili Widjaja researched this issue by reviewing SAR 8213730. *Id.* at Outgoing
23 Email — Lili Widjaja 2/23/2007, Case latest finding. It is likely that Widjaja determined that the
24 SAR informed the users that it was not possible to complete EDI summarization by item and
25 therefore, she proposed a work around solution for the R47042. *Id.* The customer informed
26 TomorrowNow, however, that they had “experienced so many problems with these mods being
27 wiped out by ESU[s]” and therefore the customer decided they did not want TomorrowNow to
28 attempt any further scoping, testing, or development on object R47042. *Id.* at Incoming Email —

1 Lili Widjaja 3/2/2007, Re: case 091906401 - UPDATE. As noted above, TomorrowNow does
2 not have enough information to determine if this SAR was downloaded on behalf of W.C. Wood.
3 After review of the SARs downloaded on behalf of W.C. Wood and stored on DCITBU01_G,
4 however, TomorrowNow has not yet been able to locate the SAR that Lili Widjaja reviewed for
5 this fix. See TN-OR0298996, TN (Hard Drive).31 at DCITBU01_G\JDEUpdates&Fixes85-
6 103\Single Files\W.C. Woods Company\OneWorld\Electronic Software Update. After
7 reasonable attempts, TomorrowNow has not been able to reach Widjaja to determine if she has
8 any memory of what steps she took to modify this one object and where she received the SAR she
9 appears to have used.

10 ***Testing***

11 *(a) Unit Testing*

12 It is likely that immediately following her debugging and development of the fix, Lili
13 Widjaja performed a unit test of the fix associated with this master fix record using W.C. Wood's
14 8.10 prototype environment (PY7334), which TomorrowNow reasonably believes was the
15 environment W.C. Wood designated as the environment for TomorrowNow to use (and
16 sometimes referred to as the TNOW environment) on W.C. Wood's network. See TN-
17 OR06680165; TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix
18 ID\ Select Master Fix: 1101064011 and client fix: W.C.W-TN-1101064011\Select
19 Comments/Email/Time\ Select Comment — Lili Widjaja 11/1/2006, Working on solution; See
20 TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select Master
21 Fix: 1101064011 and client fix: W.C.W-TN-1101064011\Select Comments/Email/Time\ Select
22 Outgoing Email – Lili Widjaja 2/16/2007, Case 091906401. After reasonable attempts,
23 TomorrowNow has not been able to reach Widjaja to determine if she has any memory of what
24 steps she took to conduct unit testing for this object.

25 *(b) Quality Assurance Testing*

26 Likewise, on the same day, TomorrowNow reasonably believes that Paul Ijs performed
27 quality assurance testing using W.C. Wood's 8.10 environment (TNOW machine) and notified
28 W.C. Wood that the fix was ready for them to test as well. See TN-OR04446719, TN (Hard

1 Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select Master Fix: 1101064011 and client
2 fix: W.C.W-TN-1101064011\Select Comments/Email/Time/ Outgoing Email — Paul Ijs
3 11/1/2006, Issue addressed – Code change implemented; TN-OR06680165.

4 TomorrowNow reasonably believes that after Paul Ijs’s initial quality assurance testing,
5 the customer tested this fix in its prototype environment and found further issues. TomorrowNow
6 reasonably believes that this issue was resolved when Lili Widjaja determined that the R42565
7 object worked correctly, but the R47042 object did not. As pointed out above, after Widjaja
8 learned that this object was not designed to provide a summary by item, the client decided they
9 wanted no further development or testing on the R47042 object. Therefore, the case was closed
10 with only changes made to the object R42565. TN-OR04446719, TN (Hard Drive). 75 at 1.
11 Support\1. All\ Cases by Fix Id\ Master Fix 1101064011 and Client Fix W.C.W-TN-
12 1101064011\Case Id: 091906401.

13 To TomorrowNow’s knowledge, no other environments or environment components were
14 used during the testing process.

15 ***Delivery***

16 As noted above, the master fix record itself would not have been delivered to any
17 customers. TomorrowNow reasonably believes that the only customer who received the customer
18 fix was W.C. Wood and that the object changed for the customer specific fix was delivered
19 remotely by making the applicable changes within W.C. Wood’s environments on W.C. Wood’s
20 network that were made available to TomorrowNow. See TN-OR04446719, TN (Hard Drive). 75
21 at View: 5. Client Fixes\2. By Master Fix\1101064011\Select Client Fix for W.C. Wood
22 Corporation, Ltd., W.C.W-TN-1101064011.

23 To TomorrowNow’s knowledge, no environments or environment components were used
24 in the delivery process.

25 ***Sources of Environments Referenced Above***

26 TomorrowNow reasonably believes that the only environment or environment
27 components used, accessed, or associated with the processes described above were located on
28 W.C. Wood’s network. TomorrowNow does not have control, custody, or possession over these

1 environments or environment components and so cannot respond as to the source for these
2 environments.

3 **JD Edwards Master Fix Record 1010067551**

4 Master Fix ID 1010067551 is not an actual fix that was provided to any customer, it is
5 only the identifier for the internal TomorrowNow record of a particular reported issue affecting
6 one or more TomorrowNow customers. The master fix record ID is simply a reference by which
7 TomorrowNow tracked its efforts to create individual client fixes to correct the issue identified in
8 the master fix record. This particular master fix record relates to a JD Edwards One World issue
9 and TomorrowNow's tracking of its efforts to create the necessary updates and fixes to correct
10 that issue. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix
11 ID\1010067551. This master fix record denotes the fact that there were year end updates and
12 changes relating to 2006 1099 tax forms for customers on Financials Xe, and, more specifically,
13 those TomorrowNow customers having the accounts payable application. *Id.* The master fix
14 record required that specific objects and/or programs needed to be changed as applicable for each
15 individual customer who received the client specific fix corresponding to this master fix record.
16 *Id.*; *see also* View: 5. Client Fixes\2. By Master Fix\1010067551. Lili Widjaja was listed as the
17 "fix owner" of this master fix record and TomorrowNow reasonably believes that four customers
18 received the customer specific fix associated with this record. Below is detailed information
19 regarding the processes related to this master fix record and any environments or environment
20 components used as part of those processes that TomorrowNow, with the assistance of its
21 counsel⁸ in this litigation, was reasonably able to locate and include after extensive investigation
22 related to this master fix record.

23 ***Scoping***

24 Scoping is the initial process of identifying an issue and determining a plan for resolving
25 that issue. TomorrowNow regularly monitored certain regulatory websites, including the IRS
26 website, in order to watch for potential regulatory or legislative changes in 2006. The JD
27 Edwards team had several meetings on an as needed basis regarding these potential changes and

28 ⁸*See* fn. 1, *supra*.

1 discussed the potential impacts of these changes on the JD Edwards software applications. *See*
2 TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World & OW Year End
3 Doc\2006 Year End\2006 Meeting Notes. TomorrowNow reasonably believes that the members
4 of the team involved in the discussions likely included Lili Widjaja, Jim Egger, Mark Kreutz,
5 Dale Wade, Paul Auger, and Elouise Plain. Part of this usual process was the creation of master
6 fix records sometime in early fall noting that tax or regulatory changes occurred that impacted
7 specific applications. And, TomorrowNow reasonably believes that Lili Widjaja created this
8 particular master fix record as part of that usual process. TN-OR04446719, TN (Hard Drive). 75
9 at View: 4. Master Fixes\4. By Fix ID\1010067551\See Fix Owner.

10 As part of the normal process, TomorrowNow reasonably believes that TomorrowNow
11 employees likely created an initial list of potential customers the regulatory changes may impact.
12 When this particular master fix record was created, a client fix list was also generated by the SAS
13 database listing potential customers. *Id.* at View: 4. Master Fixes\4. By Fix ID\1010067551\Log
14 Client Fix Generation (10/10/2006). This listing, however, does not necessarily document that all
15 customers listed actually received a fix. In fact, this list went through several different iterations
16 as generated by the SAS database during the process of determining which customers would
17 receive the customer specific fixes associated with this particular master fix record. *Id.* at View:
18 4. Master Fixes\4. By Fix ID\1010067551\Log Client Fix Generation (10/10/2006), Log Client
19 Fix Update (10/19/2006), Log Client Fix Update (12/08/2006), Log Client Fix Update
20 (12/08/2006), Log Client Fix Generation 12/26/2006), Log Client Fix Generation (01/09/2007).

21 In addition, TomorrowNow reasonably believes that TomorrowNow employees sent each
22 JD Edwards customer that TomorrowNow had contracted with to perform annual updates a “Year
23 End Requirements” document to inform the customer of the upcoming tax changes. As part of
24 this process, TomorrowNow employees requested that the customer check the updates they would
25 like to receive that year. *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-
26 WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 Client Information.
27 Based on the responses received from TomorrowNow’s JD Edwards customers to the requests in
28 the Year End Requirements related to this year end update, TomorrowNow created a workbook

1 describing the updates each customer requested. *See, e.g.*, TN-OR03712548, TN (Hard Drive).50
2 at JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 Client
3 Information\2006 YE Communications.xls. TomorrowNow reasonably believes that there were
4 no customer environments or environment components used during this process.

5 Around the same time, TomorrowNow reasonably believes that TomorrowNow
6 employees also created two internal documents regarding the 2006 1099 One World changes.
7 The first was a “Business Requirements Specification” document describing the regulatory
8 changes for that year. *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-
9 WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Project
10 Documentation\BRS-2006 1099 TN v.1.09_26_2006.doc. This was an internal TomorrowNow
11 document intended to inform the members of TomorrowNow’s JD Edwards team regarding the
12 anticipated updates and changes for that year. The second was a “Functional Requirements
13 Document.” *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World
14 & OW Year End Doc\2006 Year End\2006 YE Project Documentation\FRD-2006 1099 Change
15 Requirements.doc. This was an internal TomorrowNow document that detailed the functional
16 aspects of the updates and changes for 2006. TomorrowNow reasonably believes that there were
17 no customer environments or environment components used during this process. Rather, based
18 on these documents and discussions with former employees, TomorrowNow reasonably believes
19 this process was derived from the general tax research TomorrowNow conducted throughout the
20 summer and early fall and that preceded the delivery of the updates and fixes related to this
21 particular master fix record.

22 ***Replication***

23 TomorrowNow has not been able to locate any information regarding any replication that
24 might have been performed relating to this particular master fix record. This may indicate that
25 replication for this particular fix was unnecessary and thus not performed.

26 ***Development***

27 As stated above, the master fix record itself is only a description of an issue or problem to
28 be addressed, and is not a developed deliverable fix or update of any type. The actual objects

1 developed and delivered that relate to this particular master fix record are the actual delivered
2 fixes and updates that were provided to customers and identified with this master fix record.
3 TomorrowNow reasonably believes that the first step in the development process for the specific
4 customer fixes for the year end update associated with this particular master fix record was to
5 draft a Technical Design Document (“TDD”). *See* TN-OR01480094; TN-OR02085159; TN-
6 OR00086051; TN-OR00073891. The TDD contained the applicable changes relating to this
7 particular master fix record, which included deleting fields and removing code relating to specific
8 objects. *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World &
9 OW Year End Doc\2006 Year End\2006 YE Project Documentation\TDD-2006 OW 1099
10 Technical Design Document.doc. This design document likely would then be used to help
11 develop each of the objects related to customer specific fixes associated with this master fix
12 record. After reasonable attempts, TomorrowNow has not been able to reach Widjaja to
13 determine if she recalls what steps she took to develop this document and whether she used a
14 customer environment or environment components during this process.

15 TomorrowNow further reasonably believes that after the TDD was created,
16 TomorrowNow employees developed a “Net Change” document based on the TDD. This
17 document detailed all of the changes made to the applications for each of the client specific fixes
18 associated with this particular master fix record. *See* TN-OR03712548, TN (Hard Drive).50 at
19 JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Client
20 Documentation\2006 YE Docs – OneWorld\OW-1099\DRAFT 2006 TN OneWorld 1099 Net
21 Change Guide.doc. This document also was delivered with each of the client specific fixes
22 associated with this particular master fix record.

23 TomorrowNow reasonably believes that after developing the TDD and “Net Change”
24 document, the development of the actual deliverable objects for each customer occurred in each
25 specific customer’s environment located on the respective customer’s network. For the following
26 customers for whom a customer specific fix associated with this master fix record was delivered,
27 TomorrowNow reasonably believes that the following development occurred:
28

- 1 • Plexus: The 1099 object changes were made using a Plexus environment on Plexus'
2 network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5. Client Fixes\2. By
3 Master Fix\Select 1010067551\Select Client Fix for Plexus\ Select Fix Notes
4 (Available to Customers)
- 5 • Zimmer Inc.: The 1099 object changes were made using a Zimmer Inc. environment
6 on Zimmer Inc.'s network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5.
7 Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for Zimmer Inc.\
8 Select Fix Notes (Available to Customers)
- 9 • Weil-McLain: The 1099 object changes were made using a Weil-McLain environment
10 on Weil-McLain's network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5.
11 Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for Weil-McLain\
12 Select Fix Notes (Available to Customers)
- 13 • Texas Medical Association: The 1099 object changes were made using a Texas
14 Medical Association environment on Texas Medical Association's network. *See* TN-
15 OR04446719, TN (Hard Drive). 75 at View: 5. Client Fixes\2. By Master Fix\Select
16 1010067551\Select Client Fix for Texas Medical Association\ Select Fix Notes
17 (Available to Customers)

18 ***Testing***

19 (a) *Unit Testing*

20 TomorrowNow reasonably believes that the process for unit testing the development
21 changes for this 1099 year end update involved the developer testing the program using the
22 environment or environment components where the change was made and immediately after
23 installing the change. Lili Widjaja likely performed unit testing to the extent any such testing was
24 done. After reasonable attempts, TomorrowNow has not been able to reach Widjaja to determine
25 if she recalls what customer environment or environment components were used during the unit
26 testing process, if any unit testing actually occurred. Therefore, to the extent that unit testing
27 occurred, TomorrowNow reasonably believes that the following customer specific fixes
28

1 associated with this particular master fix were likely unit tested using the following customer
2 specific environments or environment components:

- 3 • Plexus: Any unit testing would have been completed using a Plexus environment on
4 Plexus' network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5. Client
5 Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for Plexus\ Select Fix
6 Notes (Available to Customers).
- 7 • Zimmer Inc.: Any unit testing would have been completed using a Zimmer Inc.
8 environment on Zimmer Inc.'s network. *See* TN-OR04446719, TN (Hard Drive). 75
9 at View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for
10 Zimmer Inc.\ Select Fix Notes (Available to Customers)
- 11 • Weil-McLain: Any unit testing would have been completed using a Weil-McLain
12 environment on Weil McLain's network. *See* TN-OR04446719, TN (Hard Drive). 75
13 at View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for
14 Weil-McLain\ Select Fix Notes (Available to Customers)
- 15 • Texas Medical Association: Any unit testing would have been completed using a
16 Texas Medical Association environment on Texas Medical Association's network.
17 *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5. Client Fixes\2. By Master
18 Fix\Select 1010067551\Select Client Fix for Texas Medical Association\ Select Fix
19 Notes (Available to Customers)

20 *(b) Quality Assurance Testing*

21 TomorrowNow reasonably believes that the process for quality assurance testing the
22 development changes for the 1099 year end update associated with this master fix record involved
23 testing the modified objects to make sure the applications were performing as expected. For this
24 particular master fix record, if any quality assurance testing was performed, Dale Wade or
25 Elouise Plain likely performed any such quality assurance testing. TomorrowNow reasonably
26 believes that, to the extent any quality assurance testing was done for the client specific fixes
27 related to this particular master fix record, it would have been done remotely using the respective
28 customer's environment.

1 TomorrowNow reasonably believes that a test script was created and was based on the
2 technical documents noted above. This test script provides the steps that would have been
3 followed by the quality assurance tester if any quality assurance testing was done related to this
4 particular master fix record. *See* TN-OR03712548, TN (Hard Drive).50 at JD-
5 WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Client
6 Documentation\2006 YE Docs-OneWorld\OW-1099\DRAFT 2006 TN 1099 Test Script OW
7 AP.xls; JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Client
8 Documentation\2006 YE Docs-OneWorld\OW-1099\DRAFT 2006 TN 1099 Test Script OW
9 GL.xls. However, to date, TomorrowNow has not located any customer specific documentation
10 used to test the changes associated with these objects. Therefore, to the extent any quality
11 assurance testing was done, TomorrowNow expects that the following customer specific fixes
12 were tested as outlined by the test scripts using an environment located on the customer's network
13 as follows:

- 14 • Plexus: Any quality assurance testing would have been completed using a Plexus
15 environment on Plexus' network. *See* TN-OR04446719, TN (Hard Drive). 75 at
16 View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for
17 Plexus\ Select Fix Notes (Available to Customers).
- 18 • Zimmer Inc.: Any quality assurance testing would have been completed using a
19 Zimmer Inc. environment on Zimmer Inc.'s network. *See* TN-OR04446719, TN
20 (Hard Drive). 75 at View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select
21 Client Fix for Zimmer Inc.\ Select Fix Notes (Available to Customers)
- 22 • Weil-McLain: Any quality assurance testing would have been completed using a
23 Weil-McLain environment on Weil McLain's network. *See* TN-OR04446719, TN
24 (Hard Drive). 75 at View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select
25 Client Fix for Weil-McLain\ Select Fix Notes (Available to Customers)
- 26 • Texas Medical Association: Any quality assurance testing would have been completed
27 using a Texas Medical Association environment on Zimmer Inc.'s network. *See* TN-
28 OR04446719, TN (Hard Drive). 75 at View: 5. Client Fixes\2. By Master Fix\Select

1 1010067551\Select Client Fix for Texas Medical Association\ Select Fix Notes
2 (Available to Customers)

3 Additionally, these test scripts may have been delivered to clients for their own testing of
4 the customer specific fix associated with this master fix record. However, TomorrowNow has not
5 yet located any information regarding whether any test scripts were actually delivered to any
6 clients related to this particular master fix record.

7 ***Delivery***

8 TomorrowNow believes the customer specific fixes associated with this master fix record
9 were delivered remotely as follows:

- 10 • Plexus: PLX-TN-1010067551; *See* TN-OR04446719, TN (Hard Drive). 75 at View: 5.
11 Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for Plexus\ Select
12 Fix Notes (Available to Customers)
- 13 • Zimmer Inc.: ZIM-TN-1010067551; *See* TN-OR04446719, TN (Hard Drive). 75 at
14 View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for
15 Zimmer, Inc.\ Select Fix Notes (Available to Customers)
- 16 • Weil-McLain: WMS-TN-1010067551 *See* TN-OR04446719, TN (Hard Drive). 75 at
17 View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client Fix for Weil-
18 McLain\ Select Fix Notes (Available to Customers)
- 19 • Texas Medical Association: TMA-TN-1010067551 *See* TN-OR04446719, TN (Hard
20 Drive). 75 at View: 5. Client Fixes\2. By Master Fix\Select 1010067551\Select Client
21 Fix for Texas Medical Association\ Select Fix Notes (Available to Customers)

22 TomorrowNow reasonably believes that, in addition, these fixes were also made available
23 for the customer to download from Web01. *See* TN-OR00403764; TN-OR00403765; TN-
24 OR00403769; TN-OR02196089; TN-OR02196090; TN-OR02196094. TomorrowNow was
25 unable to determine whether any clients actually downloaded these customer specific fixes from
26 Web01. *Se, e.g.*, TN-OR02085736.

1 ***Sources of Environments Referenced Above***

2 TomorrowNow reasonably believes that the only environment or environment
3 components used, accessed, or associated with the processes described above were on the
4 respective customer's environments. TomorrowNow does not have control, custody, or
5 possession over these environments and thus cannot respond as to the source for those
6 environments. As stated above, TomorrowNow currently lacks sufficient information to
7 determine what, if any, environment or environment components was used to develop the TDD.

8 **JD Edwards Master Fix Record 1012062843**

9 Master Fix ID 1012062843 is not an actual fix that was provided to any customer, it is
10 only the identifier for the internal TomorrowNow record of a particular reported issue affecting
11 one or more TomorrowNow customers. The master fix record ID is simply a reference by which
12 TomorrowNow tracked its efforts to create individual client fixes to correct the issue identified in
13 the master fix record. This particular master fix record relates to a JD Edwards World issue and
14 TomorrowNow's tracking of its efforts to create the necessary updates and fixes to correct the
15 issue. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix
16 ID\101206843. This master fix record relates to year end updates and changes involving the 2006
17 1099 tax forms for customers on Financials A7.3, and, more specifically, those TomorrowNow
18 customers with the accounts payable and general accounting applications. *See id.* The master fix
19 record required that specific objects and/or programs be changed as applicable for each individual
20 customer who received the client specific fix corresponding to this master fix record. *Id.*; *see also*
21 View: 5. Client Fixes\2. By Master Fix\1012062843. Jim Egger was listed as the owner of this
22 master fix record and TomorrowNow reasonably believes that 20 customers received a customer
23 specific fix associated with this record. Below is detailed information regarding the processes
24 related to this master fix record and any environments or environment components used as part of
25 those processes that TomorrowNow, with the assistance of its counsel⁹ in this litigation, was
26 reasonably able to locate and include after extensive investigation related to this master fix
27 record.

28 ⁹*See* fn. 1, *supra*.

1 ***Scoping***

2 Scoping is the initial process of identifying an issue and determining a plan for resolving
3 the issue. TomorrowNow monitored certain regulatory websites, including the IRS website, in
4 order to watch for potential regulatory or legislative changes in 2006. The JD Edwards team had
5 several meetings on an as needed basis regarding these potential changes and discussed the
6 potential impacts of these changes on the JD Edwards software applications. *See* TN-
7 OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World & OW Year End
8 Doc\2006 Year End\2006 Meeting Notes. TomorrowNow reasonably believes that the members
9 of the team involved in the discussions likely included Jim Egger, Mark Kreutz, Dale Wade, Paul
10 Auger, and Elouise Plain. Part of this usual process was the creation of the master fix record
11 sometime in early fall noting that tax or regulatory changes occurred that impacted specific
12 applications. And, TomorrowNow reasonably believes that Jim Egger created this particular
13 master fix record. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix
14 ID\101206843\See Fix Owner.

15 TomorrowNow reasonably believes that as part of this normal process, TomorrowNow
16 employees likely created an initial list of potential customers the regulatory changes at issue in
17 this particular master fix record may impact. When this particular master fix record was created,
18 three client fix lists were also generated in the SAS database listing TomorrowNow customers
19 who potentially might receive a fix related to this particular issue. *Id.* at View: 4. Master Fixes\4.
20 By Fix ID\101206843\Log Client Fix Update (10/12/2006), Log Client Fix Generation
21 (10/12/2006), and Log Client Fix Update (10/12/2006). Those listings, however, do not
22 necessarily establish that all customers listed actually received a fix. In fact, this list went
23 through several different iterations, as reflected in the SAS database, during the process of
24 determining which customers would receive the customer specific fixes associated with this
25 particular master fix record. *See id.*

26 In addition, TomorrowNow reasonably believes that TomorrowNow employees sent each
27 customer that TomorrowNow contracted with to perform annual updates a “Year End
28 Requirements” document to inform the customer of the upcoming tax changes. As part of that

1 process, TomorrowNow employees requested that the customer check the updates they would like
2 to receive that year. *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-
3 WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 Client Information.
4 TomorrowNow reasonably believes that there were no customer environments or environment
5 components used during this process.

6 TomorrowNow reasonably believes that around the same time TomorrowNow employees
7 also created two internal documents regarding the 2006 1099 World changes. The first was a
8 “Business Requirements Specification” document describing the regulatory changes for 2006.
9 *See, e.g.*, TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World & OW Year
10 End Doc\2006 Year End\2006 YE Project Documentation\BRS-2006 1099 TN
11 v.1.09_26_2006.doc. This was an internal TomorrowNow document that informed the members
12 of TomorrowNow’s JD Edwards team regarding the anticipated updates and changes for the fix
13 associated with this particular master fix record. The second was a “Functional Requirements
14 Document.” *See* TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE World &
15 OW Year End Doc\2006 Year End\2006 YE Project Documentation\FRD-2006 1099 Change
16 Requirements.doc. This was an internal TomorrowNow document that detailed the functional
17 aspects of the updates and changes for 2006. TomorrowNow reasonably believes that there were
18 no customer environments or environment components used during this process. Rather, based
19 on these documents and discussions with former employees, TomorrowNow reasonably believes
20 this process was derived from the general tax research TomorrowNow conducted throughout the
21 summer and early fall and that preceded the delivery of the updates and fixes related to this
22 particular master fix record.

23 ***Replication***

24 TomorrowNow has not been able to locate any information regarding any replication that
25 might have been performed relating to this particular master fix record. This may indicate that
26 replication for this particular fix was unnecessary and thus not performed.

1 ***Development***

2 As stated above, the master fix record itself is only a description of an issue or problem to
3 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
4 developed and delivered that relate to this particular master fix record are the actual delivered
5 fixes and updates that were provided to customers and identified with this master fix record.
6 TomorrowNow reasonably believes that the first steps in the development process for the specific
7 customer fixes for the year end update associated with this particular master fix record were: (a)
8 to evaluate the changes noted in the “Business Requirements Specification” and “Functional
9 Requirements Document” listed above; and (b) accessing a Koontz Wagner A7.3 environment on
10 TomorrowNow’s network to determine the potential applicable updates and changes required.
11 This process involved making code changes to the applicable objects and then delivering the
12 changes to Koontz Wagner for use in Koontz-Wagner’s production environment on Koontz
13 Wagner’s network.

14 TomorrowNow reasonably believes that during the initial steps outlined above, a
15 Technical Design Document (“TDD”) was drafted. *See* TN-OR03712548, TN (Hard Drive).50 at
16 JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Project
17 Documentation\TDD – 2006 World 1099 Change Requirements. The TDD contains a description
18 of the applicable updates and changes to objects, including outlines for object changes to at least
19 five objects: J04515, J04515JQ, PO4515, P045151, and V04515. *Id.* TomorrowNow reasonably
20 believes that all of these five objects needed to have data structure field deletions and field
21 changes. *Id.* TomorrowNow further reasonably believes that the TDD likely would then be used
22 to help develop each of the objects related to customer specific fixes associated with this
23 particular master fix record.

24 In addition, TomorrowNow reasonably believes that after the TDD was created for this
25 particular master fix record, TomorrowNow employees developed a “Net Change” document
26 based on the TDD. That document detailed all of the changes made to the applications for each
27 of the client specific fixes. *See* TN-OR03712548, TN (Hard Drive).50 at JD-
28 WSVR01_G\JDE\JDE World & OW Year End Doc\2006 Year End\2006 YE Client

1 Documentation\2006 YE Docs – World\World 1099\DRAFT 2006 TN World 1099 Net Change
2 Guide.doc. The “Net Change” document accompanied the delivery of each of the client specific
3 fixes associated with this particular master fix record.

4 TomorrowNow reasonably believes that after developing the TDD and “Net Change”
5 documents, the development of the actual deliverable objects occurred in either the specific
6 customer’s environment on the customer’s network, or by the customer sending TomorrowNow
7 portions of the applicable objects in SAVF files. For the customers receiving a specific customer
8 fix on the customer’s environment, the development of the objects was likely accomplished by
9 making the required changes directly to the programs and code on the customer’s network.
10 TomorrowNow reasonably believes that the development of the objects through a SAVF file was
11 accomplished by the customer sending TomorrowNow the respective object sections in a SAVF
12 file, TomorrowNow opening that file on the AS/400, creating a library for that customer, and then
13 making the applicable change. *See, e.g.*, TN-OR03677098 TN (Tape) 1; TN-OR03677099 TN
14 (Tape) 2; TN-OR03677100 TN (Tape) 3; TN-OR03677101 TN (Tape) 4; TN-OR03677102 TN
15 (Tape) 5; TN-OR03677103 TN (Tape) 6; TN-OR03677104 TN (Tape) 7; TN-OR03678711 TN
16 (Tape) 8; TN-OR03678712 TN (Tape) 9; TN-OR03678713 TN (Tape) 10; TN-OR03678714 TN
17 (Tape) 11; TN-OR044467615 TN (Tape) 12; TN-OR03523848. TomorrowNow reasonably
18 believes that the SAVF method would not require the use of an environment.

19 For the following customers for whom a customer specific fix was delivered that was
20 related to this particular master fix record, TomorrowNow reasonably believes that the following
21 development occurred remotely in an environment located on the respective customer’s network:

- 22 • Apria Healthcare Group, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\AHG-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\AHG-TN-1012062843.
- 25 • CC Industries *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\CCI-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\CCI-TN-1012062843.

- 1 • Electrolux IT Solutions AB *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\ELE-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\ELE-TN-1012062843.
- 4 • Eriez Manufacturing *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\EMC-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\EMC-TN-1012062843.
- 7 • Hubbard Construction Company *See* TN-OR04497668, TN (Hard Drive).78 at
8 Mail03\ClientFix\1012062843\HCC-TN-1012062843; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\1012062843\HCC-TN-1012062843.
- 10 • Metro Machine Corporation *See* TN-OR04497668, TN (Hard Drive).78 at
11 Mail03\ClientFix\1012062843\MMC-TN-1012062843; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\1012062843\MMC-TN-1012062843.

13 For the following customers for whom a customer specific fix was delivered that was
14 related to this particular master fix record, TomorrowNow reasonably believes that the following
15 development occurred via the SAVF method described in detail above:

- 16 • Captain D's LLC *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\CDF-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\CDF-TN-1012062843.
- 19 • Coty, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
20 Mail03\ClientFix\1012062843\CTY-TN-1012062843; TN-OR04497673, TN
21 (Disc).186 at Web01\ClientFix\1012062843\CTY-TN-1012062843.
- 22 • New Creative Enterprises *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\DCC-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\DCC-TN-1012062843.
- 25 • Education Direct, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\EDI-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\EDI-TN-1012062843.

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- 1 • Flint Group Incorporated *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\FLG-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\FLG-TN-1012062843.
- 4 • Helzberg Diamond Shops, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\HDS-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\HDS-TN-1012062843.
- 7 • Lincoln Property Company *See* TN-OR04497668, TN (Hard Drive).78 at
8 Mail03\ClientFix\1012062843\LPC-TN-1012062843; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\1012062843\LPC-TN-1012062843.
- 10 • Littleton Public Schools *See* TN-OR04497668, TN (Hard Drive).78 at
11 Mail03\ClientFix\1012062843\LPS-TN-1012062843; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\1012062843\LPS-TN-1012062843.
- 13 • Lexmark International *See* TN-OR04497668, TN (Hard Drive).78 at
14 Mail03\ClientFix\1012062843\LXK-TN-1012062843; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\1012062843\LXK-TN-1012062843.
- 16 • SPX Flow Technology *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\SFT-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\SFT-TN-1012062843.
- 19 • Solar Sources, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
20 Mail03\ClientFix\1012062843\SSI-TN-1012062843; TN-OR04497673, TN
21 (Disc).186 at Web01\ClientFix\1012062843\SSI-TN-1012062843.
- 22 • Texas Association of School Boards *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\TSB-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\TSB-TN-1012062843.
- 25 • Veka *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\VKA-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\VKA-TN-1012062843.
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1 ***Testing***

2 ***(a) Unit Testing***

3 TomorrowNow reasonably believes that the process for unit testing the development
4 changes for the 1099 year end update associated with this particular master fix record involved
5 the developer testing the program using the environment or environment components where the
6 change had been made in immediately after installing the change. Jim Egger and Patti Von Feldt
7 likely performed unit testing to the extent any such testing was done. Therefore, TomorrowNow
8 reasonably believes that the following client specific fixes were tested remotely in the respective
9 environments on the customer's network as follows:

- 10 • Apria Healthcare Group, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
11 Mail03\ClientFix\1012062843\AHG-TN-1012062843; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\1012062843\AHG-TN-1012062843.
- 13 • CC Industries *See* TN-OR04497668, TN (Hard Drive).78 at
14 Mail03\ClientFix\1012062843\CCI-TN-1012062843; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\1012062843\CCI-TN-1012062843.
- 16 • Electrolux IT Solutions AB *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\ELE-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\ELE-TN-1012062843.
- 19 • Eriez Manufacturing *See* TN-OR04497668, TN (Hard Drive).78 at
20 Mail03\ClientFix\1012062843\EMC-TN-1012062843; TN-OR04497673, TN
21 (Disc).186 at Web01\ClientFix\1012062843\EMC-TN-1012062843.
- 22 • Hubbard Construction Company *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\HCC-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\HCC-TN-1012062843.
- 25 • Metro Machine Corporation *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\MMC-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\MMC-TN-1012062843.
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1 For the customer specific fix delivered to Koontz Wagner, TomorrowNow reasonably
2 believes that the fix was most likely unit tested in the Koontz Wagner environment located at
3 TomorrowNow that was used to develop the customer specific fix.

4 For the instances where the customer sent a SAVF file to TomorrowNow noted above,
5 TomorrowNow likely did not unit test the fix and TomorrowNow has not yet located any
6 information to suggest otherwise.

7 *(b) Quality Assurance Testing*

8 TomorrowNow reasonably believes that the process for quality assurance testing the
9 development changes for the 1099 year end update associated with this particular master fix
10 record involved testing the modified objects to make sure the applications were performing as
11 expected. With respect to this particular master fix record, Dale Wade or Elouise Plain likely
12 performed quality assurance testing to the extent any such testing was done. TomorrowNow
13 reasonably believes that, to the extent any quality assurance testing was done for the client
14 specific fixes, it would have been done remotely using the respective environments on the
15 customer's network as follows:

- 16 • Apria Healthcare Group, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\AHG-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\AHG-TN-1012062843.
- 19 • CC Industries *See* TN-OR04497668, TN (Hard Drive).78 at
20 Mail03\ClientFix\1012062843\CCI-TN-1012062843; TN-OR04497673, TN
21 (Disc).186 at Web01\ClientFix\1012062843\CCI-TN-1012062843.
- 22 • Electrolux IT Solutions AB *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\ELE-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\ELE-TN-1012062843.
- 25 • Eriez Manufacturing *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\EMC-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\EMC-TN-1012062843.

- 1 • Hubbard Construction Company *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\HCC-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\HCC-TN-1012062843.
- 4 • Metro Machine Corporation *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\MMC-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\MMC-TN-1012062843.

7 TomorrowNow reasonably believes that, to the extent quality assurance testing for Koontz
8 Wagner was done, the specific objects were tested within a Koontz Wagner environment located
9 at TomorrowNow before TomorrowNow provided the SAVF file to Koontz Wagner. *See* TN-
10 OR04497668, TN (Hard Drive).78 at Mail03\ClientFix\1012062843\KNW-TN-1012062843; TN-
11 OR04497673 TN (Disc).186 at Web01\ClientFix\1012062843\KNW-TN-1012062843.

12 For the instances where the customer sent a SAVF to TomorrowNow, TomorrowNow
13 likely did not perform any quality assurance testing and TomorrowNow has not yet located any
14 information to suggest otherwise. TomorrowNow reasonably believes that it likely provided each
15 customer with a test script document to assist the customer with its own testing. *See, e.g.*, TN-
16 OR03712548, TN(Hard Drive).50 JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006
17 Year End\2006 YE Client Documentation\2006 YE Docs – World\World-1099\Draft 2006 TN
18 1099 Test Script World AP.xls; JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2006
19 Year End\2006 YE Client Documentation\2006 YE Docs – World\World-1099\Draft 2006 TN
20 1099 Test Script World GL.xls. This test script was likely based on the technical documents
21 noted above.

22 ***Delivery***

23 As noted above, the master fix record itself would not have been delivered to any
24 customers. TomorrowNow believes the customer specific fixes based on the issues identified in
25 the master fix record were delivered remotely by making any applicable changes in the respective
26 customer's environments located on each respective customer's network as follows:

- 1 • Apria Healthcare Group, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\AHG-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\AHG-TN-1012062843.
- 4 • CC Industries *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\CCI-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\CCI-TN-1012062843.
- 7 • Electrolux IT Solutions AB *See* TN-OR04497668, TN (Hard Drive).78 at
8 Mail03\ClientFix\1012062843\ELE-TN-1012062843; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\1012062843\ELE-TN-1012062843.
- 10 • Eriez Manufacturing *See* TN-OR04497668, TN (Hard Drive).78 at
11 Mail03\ClientFix\1012062843\EMC-TN-1012062843; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\1012062843\EMC-TN-1012062843.
- 13 • Hubbard Construction Company *See* TN-OR04497668, TN (Hard Drive).78 at
14 Mail03\ClientFix\1012062843\HCC-TN-1012062843; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\1012062843\HCC-TN-1012062843.
- 16 • Metro Machine Corporation *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\MMC-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\MMC-TN-1012062843.

19 TomorrowNow reasonably believes it delivered customer specific fixes to the following
20 customers by sending them modified source code via a SAVF file:

- 21 • Captain D's LLC *See* TN-OR04497668, TN (Hard Drive).78 at
22 Mail03\ClientFix\1012062843\CDF-TN-1012062843; TN-OR04497673, TN
23 (Disc).186 at Web01\ClientFix\1012062843\CDF-TN-1012062843.
- 24 • Coty, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
25 Mail03\ClientFix\1012062843\CTY-TN-1012062843; TN-OR04497673, TN
26 (Disc).186 at Web01\ClientFix\1012062843\CTY-TN-1012062843.

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- 1 • New Creative Enterprises *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\DCC-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\DCC-TN-1012062843.
- 4 • Education Direct, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\EDI-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\EDI-TN-1012062843.
- 7 • Flint Group Incorporated *See* TN-OR04497668, TN (Hard Drive).78 at
8 Mail03\ClientFix\1012062843\FLG-TN-1012062843; TN-OR04497673, TN
9 (Disc).186 at Web01\ClientFix\1012062843\FLG-TN-1012062843.
- 10 • Helzberg Diamond Shops, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
11 Mail03\ClientFix\1012062843\HDS-TN-1012062843; TN-OR04497673, TN
12 (Disc).186 at Web01\ClientFix\1012062843\HDS-TN-1012062843.
- 13 • Lincoln Property Company *See* TN-OR04497668, TN (Hard Drive).78 at
14 Mail03\ClientFix\1012062843\LPC-TN-1012062843; TN-OR04497673, TN
15 (Disc).186 at Web01\ClientFix\1012062843\LPC-TN-1012062843.
- 16 • Littleton Public Schools *See* TN-OR04497668, TN (Hard Drive).78 at
17 Mail03\ClientFix\1012062843\LPS-TN-1012062843; TN-OR04497673, TN
18 (Disc).186 at Web01\ClientFix\1012062843\LPS-TN-1012062843.
- 19 • Lexmark International *See* TN-OR04497668, TN (Hard Drive).78 at
20 Mail03\ClientFix\1012062843\LXK-TN-1012062843; TN-OR04497673, TN
21 (Disc).186 at Web01\ClientFix\1012062843\LXK-TN-1012062843.
- 22 • SPX Flow Technology *See* TN-OR04497668, TN (Hard Drive).78 at
23 Mail03\ClientFix\1012062843\SFT-TN-1012062843; TN-OR04497673, TN
24 (Disc).186 at Web01\ClientFix\1012062843\SFT-TN-1012062843.
- 25 • Solar Sources, Inc. *See* TN-OR04497668, TN (Hard Drive).78 at
26 Mail03\ClientFix\1012062843\SSI-TN-1012062843; TN-OR04497673, TN
27 (Disc).186 at Web01\ClientFix\1012062843\SSI-TN-1012062843.
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- 1 • Texas Association of School Boards *See* TN-OR04497668, TN (Hard Drive).78 at
2 Mail03\ClientFix\1012062843\TSB-TN-1012062843; TN-OR04497673, TN
3 (Disc).186 at Web01\ClientFix\1012062843\TSB-TN-1012062843.
- 4 • Veka *See* TN-OR04497668, TN (Hard Drive).78 at
5 Mail03\ClientFix\1012062843\VKA-TN-1012062843; TN-OR04497673, TN
6 (Disc).186 at Web01\ClientFix\1012062843\VKA-TN-1012062843.

7 Likewise, TomorrowNow believes that it delivered the customer specific fix to Koontz
8 Wagner by SAVF file. *See* TN-OR04497668, TN (Hard Drive).78 at
9 Mail03\ClientFix\1012062843\KNW-TN-1012062843; TN-OR04497673 TN (Disc).186 at
10 Web01\ClientFix\1012062843\KNW-TN-1012062843.

11 To the extent the customer specific fixes noted above are also located on TomorrowNow's
12 Web01 server, then TomorrowNow reasonably believes that these fixes would have been made
13 available for the customer to download them from Web01 in addition to the delivery noted above.
14 TomorrowNow was unable to determine whether the clients actually downloaded these customer
15 fixes from Web01.

16 ***Sources of Environments Referenced Above***

17 TomorrowNow reasonably believes that the only environment or environment
18 components located on TomorrowNow's network that was used, accessed, or associated with in
19 any way with any of the processes described above was a Koontz-Wagner A73 environment. The
20 names of the Koontz Wagner environment components that were located on TomorrowNow's
21 network are listed in Exhibit 45 and were discussed in the deposition testimony of Mark Kreutz
22 and Keith Shankle. *See* February 19, 2008 Deposition of Mark Kreutz at 10:25 – 12:3, 14:4-16,
23 16:1 - 19:16, 26:8 – 30:19; June 16, 2009 Deposition of Keith Shankle at 33:11-25, 37:15-17,
24 45:6-21, 46:7 – 48:2. TomorrowNow has not yet located any information to determine with any
25 certainty which Koontz-Wagner environment or environment components were used, accessed, or
26 associated with any of the processes described above. The Koontz-Wagner environments were
27 installed on TomorrowNow's AS/400 machine from tapes sent to TomorrowNow by Koontz-
28 Wagner for TomorrowNow's use in support of Koontz-Wagner. *See* February 19, 2008

1 Deposition of Mark Kreutz at 10:25 – 12:3; June 16, 2009 Deposition of Keith Shankle at 45:6-
2 21; Deposition Exhibit 1433.

3 The remaining environments used, accessed, or associated with the processes described
4 above were on the respective customer's network. TomorrowNow does not have control,
5 custody, or possession over these environments and so cannot respond as to the source for these
6 environments.

7 **JD Edwards Master Fix Record 1122054572**

8 Master Fix ID 1122054572 is not an actual fix that was provided to any customer, it is
9 only the identifier for the internal TomorrowNow record of a particular reported issue affecting
10 one or more TomorrowNow customers. The master fix record ID is simply a reference by which
11 TomorrowNow tracked its efforts to create individual client fixes to correct the issue identified in
12 the master fix record. This particular master fix record is the internal TomorrowNow record
13 identifying an issue relating to JD Edwards One World and TomorrowNow's tracking of its
14 efforts to create the necessary updates and fixes to correct that issue. *See* TN-OR04446719, TN
15 (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix ID\1122054572. This master fix record
16 denotes the fact that there were year end updates and changes relating to the 2005 1099 tax forms
17 for customers on Financials Xe, and, specifically, customers with the accounts payable
18 application. *Id.* This master fix record indicates that certain objects for the A/P and G/L Methods,
19 as well as objects for the magnetic media output option, required applicable changes. *Id.* at \Select
20 Fix Issues\Select Issue Summary. Keith Larsen was listed as the "fix owner" of this master fix
21 record, and Defendants reasonably believe that Plexus was the only customer to receive the
22 corresponding customer fix related to this master fix record. Below is detailed information
23 regarding the processes related to this master fix record and any environments or environment
24 components used as part of those processes that TomorrowNow, with the assistance of its
25 counsel¹⁰ in this litigation, was reasonably able to locate and include after extensive investigation
26 related to this master fix record.

27
28

¹⁰*See* fn. 1, *supra*.

1 ***Scoping***

2 Scoping refers to the initial process of identifying the extent of an issue and determining a
 3 plan for resolving that issue. TomorrowNow regularly monitored certain regulatory websites,
 4 including the IRS website, in order to watch for potential regulatory or legislative changes in
 5 2005. The JD Edwards team had several meetings on an as needed basis regarding these potential
 6 changes and discussed the potential impacts of any changes on the JD Edwards software
 7 applications. *See* TN-OR00073009 – TN-OR00073012. TomorrowNow reasonably believes that
 8 the members of the team involved in the discussions likely included Keith Larsen, Jim Egger,
 9 Mark Kreutz, Dale Wade, and Elouise Plain. Part of this usual process was the creation of master
 10 fix records sometime in early fall noting the tax or regulatory changes that occurred that year
 11 which would impact specific applications. And, TomorrowNow reasonably believes that Keith
 12 Larsen created this particular master fix record as part of that usual process. TN-OR04446719,
 13 TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix ID\1122054572\See Fix Owner; TN-
 14 OR00073758.

15 As part of the normal process, TomorrowNow reasonably believes that TomorrowNow
 16 employees likely created an initial list of potential customers the regulatory changes may impact.
 17 In November 2005, TomorrowNow had only four Financials Xe customers noted in SAS: Yazaki
 18 (Europe) Limited, Plexus, Praxair and Prime Group Realty Trust. *See* TN-OR04446719, TN
 19 (Hard Drive). 75 at View: 1. Support\1. All\Services by Engagement\Select 24x7 Stnd –
 20 Financials Xe; TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Services by
 21 Engagement\Select 24x7 Stnd – Financials Xe - APAC; TN-OR04446719, TN (Hard Drive). 75
 22 at View: 1. Support\1. All\Services by Engagement\Select 24x7 Stnd – Financials Xe – EMEA;
 23 TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Services by
 24 Engagement\Select 24x7 Stnd – Financials Xe - Latin . TomorrowNow reasonably believes that
 25 Plexus was the only customer to request the 1099 update for this year.

26 Approximately at this time, TomorrowNow reasonably believes that TomorrowNow
 27 created a document regarding the 2005 1099 updates. TN-OR03712548, TN (Hard Drive).50 at
 28 JD-WSVR01_G\JDE\JDE World & OW Year End Doc\2005 Year End\JDE OneWorld Year End

1 Docs\OW YE 2005\TN Docs to Clients\2005 TN OneWorld 1099 Guide.doc. TomorrowNow
2 reasonably believes that this user guide was likely authored by Dale Wade and the document
3 contains both a description of the regulatory changes for 2005 and the general functions of the
4 applications affected by these changes. *Id.* This document does not contain any of the code
5 changes or the development of these changes. *Id.* TomorrowNow reasonably believes that the
6 development of this document did not involve the use of any customer environments or
7 environment components. Rather, based on these documents and discussions with former
8 employees, TomorrowNow reasonably believes this document was derived from the general tax
9 research TomorrowNow conducted throughout the summer and early fall and that preceded the
10 delivery of the updates and fixes related to this particular master fix record.

11 ***Replication***

12 TomorrowNow has not been able to locate any information regarding any replication that
13 may have been performed relating to this particular master fix record. This may indicate that
14 replication for this particular master fix record was unnecessary and thus not performed.

15 ***Development***

16 As stated above, the master fix record itself is only a description of an issue or problem to
17 be addressed, and is not a developed deliverable fix or update of any type. The actual objects
18 developed and delivered that relate to this particular master fix record are the actual delivered
19 fixes and updates that were provided to customers and identified with this master fix record.
20 TomorrowNow reasonably believes that there were two code-based changes developed under this
21 particular master fix record. The AP Method code change is detailed in TN-OR02084241 - TN-
22 OR02084244 and TN-OR02084245 – TN-OR02084252, which includes documentation for the
23 client specific fix related to this master fix record (PLX-TN-1122054572). TomorrowNow
24 reasonably believes that Keith Larsen also developed a code change for the GL Method. *See* TN-
25 OR00062191 - TN-OR00062192. The documentation of the source code changes for both the GL
26 Method and AP Method changes are documented in the master fix record entry in SAS. *See* TN-
27 OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master Fix\1122054572>Select
28 Fix Deliverables\1122054572.doc.

1 TomorrowNow has not been able to locate sufficient information to determine the
2 definitive environment components or environment used to develop the initial code changes that
3 were associated with this particular master fix record. During the time period related to this
4 particular master fix record, TomorrowNow maintained a One World Praxair environment locally
5 on TomorrowNow's network. While it is theoretically possible that the initial development for
6 this particular fix could have occurred in one of the Praxair environments at TomorrowNow, it is
7 equally likely that the development occurred via remote access to an environment on Plexus'
8 network. Regardless of whether the initial development was performed on the Praxair local
9 environment on TomorrowNow's network or via remote access to an environment located on
10 Plexus' network, the initial development was likely completed prior to December 8, 2005. *See*
11 TN-OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master
12 Fixes\1122054572\Select Fix Notes (Internal Use Only)\Select General Notes; TN-OR00062191 -
13 TN-OR00062192. The development of these changes included all forms of output, including
14 PDF prints and magnetic media. *See* TN-OR00062191 - TN-OR00062192.

15 TomorrowNow reasonably believes that after the initial development, as noted below, an
16 issue was discovered with regard to the changes for the object R04515. TomorrowNow
17 reasonably believes that David Palmer notified Keith Larsen of this issue on January 12, 2006.
18 *See* TN-OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master
19 Fixes\1122054572\Select Fix Notes (Internal Use Only)\Select General Notes (note that
20 TomorrowNow reasonably believes the January dates on this entry in SAS refer to January 2006
21 and not January 2005); TN-OR00073009 – TN-OR00073012. TomorrowNow further reasonably
22 believes that the subsequent modifications to the original code changes were most likely done in
23 Plexus' environment on Plexus' network via a remote VPN connection. *See* TN-OR04446719,
24 TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master Fixes\1122054572\Select Fix Notes
25 (Internal Use Only)\Select General Notes; TN-OR00073009 – TN-OR00073012.

26 Additionally, TomorrowNow reasonably believes that on January 22, 2006, another issue
27 was discovered with regard to the changes for the objects R04515 and R045152, which both
28 related to the AP Method source code changes. TN-OR00073009 – TN-OR00073012.

1 TomorrowNow reasonably believes that Keith Larsen, with some input from Bijesh Lamsal,
2 worked on this development and TomorrowNow reasonably believes that the subsequent
3 modifications to the original code changes were most likely done in Plexus' environment on
4 Plexus' network via a remote VPN connection. *See* TN-OR04446719, TN (Hard Drive). 75 at
5 View 5. Client Fixes\2. By Master Fixes\1122054572>Select Fix Notes (Internal Use Only)\Select
6 General Notes; TN-OR00073009 – TN-OR00073012.

7 ***Testing***

8 (a) *Unit Testing*

9 TomorrowNow reasonably believes that the process for unit testing the development
10 changes for this 1099 year end update involved the developer testing the program using the
11 environment or environment components where the change was made and immediately after
12 installing the change. *See* TN-OR00073009 – TN-OR00073012. To the extent any unit testing
13 was performed, Keith Larsen likely performed this unit testing in the environment where the
14 original change was made. Therefore, TomorrowNow expects that each time a code change was
15 developed using Plexus's remote environment or environment components, unit testing took
16 place using that environment or environment components. To the extent any development for the
17 initial code change was performed using the Praxair environment or environment components on
18 TomorrowNow's network, then TomorrowNow would expect that any unit testing would have
19 been done using that same environment or environment components.

20 (b) *Quality Assurance Testing*

21 TomorrowNow reasonably believes that the process for quality assurance testing the
22 development changes for the 1099 year end update at issue in this master fix record involved
23 testing the modified programs to make sure the applications were performing as expected. With
24 respect to this particular master fix record, Dale Wade and Elouise Plain likely performed the
25 quality assurance testing. *See* TN-OR02084240; TN-OR00062191 - TN-OR00062192.

26 TomorrowNow reasonably believes that testing for the AP Method objects was completed on
27 December 8, 2005, and testing for the GL Method objects and the magnetic media file output
28 testing was completed by Dale Wade on December 11, 2005. *See* TN-OR04446719, TN (Hard

1 Drive). 75 at View 5. Client Fixes\2. By Master Fixes\1122054572>Select Fix Notes (Internal Use
2 Only)\Select General Notes; TN-OR00062191 - TN-OR00062192. While TomorrowNow has not
3 been able to determine the location of this initial quality assurance testing, as detailed above, to
4 the extent any development for the initial code change was performed using the Praxair
5 environment or environment components at TomorrowNow, TomorrowNow expects that it would
6 be likely that any quality assurance testing would have been done using that same environment or
7 environment components. If the initial code change was developed remotely using Plexus's
8 remote environment or environment components, then quality assurance likely took place using
9 that environment or environment.

10 David Palmer notified Andrew Harbath at Plexus that the code changes were available and
11 ready for implementation on Plexus' network on December 12, 2005. *See* TN-OR04446719, TN
12 (Hard Drive). 75 at View 5. Client Fixes\2. By Master Fixes\1122054572>Select Fix Notes
13 (Internal Use Only)\Select General Notes; TN-OR00062191 - TN-OR00062192. TomorrowNow
14 reasonably believes that TomorrowNow accessed Plexus's DV7333 environment, via VPN, and
15 Keith Larson applied the Plexus fix. *See* TN-OR04446719, TN (Hard Drive). 75 at View 5.
16 Client Fixes\2. By Master Fixes\1122054572>Select Fix Notes (Internal Use Only)\Select General
17 Notes; TN-OR00062191 - TN-OR00062192; TN-OR05681903 - TN-OR05681904; TN-
18 OR00073773. TomorrowNow further reasonably believes that testing was done using Plexus'
19 development environment on the Plexus' network by Dale Wade and Elouise Plain. *See* TN-
20 OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master
21 Fixes\1122054572>Select Fix Notes (Internal Use Only)\Select General Notes; TN-OR00062191 -
22 TN-OR00062192; TN-OR00073773.

23 TomorrowNow reasonably believes that during this process, Dale Wade discovered an
24 issue with the object R04515 in the fix. As noted above, it appears that Keith Larson developed
25 the change for this issue, and Dale Wade then performed additional testing on this object. *See*
26 TN-OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By Master
27 Fixes\1122054572>Select Fix Notes (Internal Use Only)\Select General Notes; TN-OR00062191 -
28 TN-OR00062192; TN-OR00073773. The testing scripts can be found at TN-OR02051936, on

1 TN-OR04497668, TN (Hard Drive).78 at Mail03\ClientFix\1122054572\PLX-TN-1122054572,
2 and at TN-OR03712548, TN (Hard Drive).50 at JD-WSVR01_G\JDE\JDE JDE Clients –
3 TNOW\Plexus\2005 1099 Testing & Documentation\Plexus 2005 TN 1099 Test Script OW
4 AP.xls. Moreover, TomorrowNow reasonably believes that after Keith Larsen and Bijesh
5 Lamsal worked on additional development for objects R04515 and R045152, Dale Wade
6 performed more testing using Plexus' environment on Plexus' network. TN-OR00073009 – TN-
7 OR00073012.

8 ***Delivery***

9 TomorrowNow reasonably believes the customer specific fix for the AP Methods object
10 changes was delivered directly to Plexus by applying the fix via VPN to Plexus' environment on
11 Plexus' network. See TN-OR04446719, TN (Hard Drive). 75 at View 5. Client Fixes\2. By
12 Master Fixes\1122054572>Select Fix Notes (Internal Use Only)\Select General Notes; TN-
13 OR00062191 - TN-OR00062192; TN-OR05681903 - TN-OR05681904. TomorrowNow
14 reasonably believes that the AP Method documentation, test script, and associated 2005
15 Instruction Guide were posted on Web01 for Plexus to download. See TN-OR04497668,
16 TN(Hard Drive).78 at Mail03\ClientFix\1122054572\PLX-TN-1122054572; TN-OR04497673
17 TN (Disc).186 at Web01\ClientFix\1122054572\PLX-TN-1122054572; TN-OR00062191 - TN-
18 OR00062192. TomorrowNow reasonably believes that Plexus was also sent the test scripts and
19 the 2005 TN OneWorld 1099 Guide via email. See TN-OR00073773 .

20 To TomorrowNow's knowledge, no environments or environment components located on
21 TomorrowNow's network were used in the delivery process.

22 ***Sources of Environments Referenced Above***

23 TomorrowNow reasonably believes that the only environment or environment
24 components located on TomorrowNow's network that may have been used, accessed, or
25 associated with the processes described above would have been provided to TomorrowNow by
26 Praxair. The names of the Praxair environment components that were located on
27 TomorrowNow's network are listed in Plaintiffs' Deposition Exhibit 52 and were discussed in the
28 deposition testimony of Mark Kreutz. See February 19, 2008 Deposition of Mark Kreutz at 65:25-

1 66:1, 70:18-21, 71:23-25, 72:1-23, Exhibit 52. TomorrowNow is unaware of which, if any,
2 Praxair environment or environment components were used, accessed, or associated with the
3 processes described above. The Praxair environments were installed on TomorrowNow's
4 network from JD Edwards' application files sent to TomorrowNow by Praxair. *See* February 19,
5 2008 Deposition of Mark Kreutz at 71:23-25.

6 The remaining, if not the only, environments or environment components used, accessed,
7 or associated with the processes described above were on the Plexus' network. TomorrowNow
8 does not have possession, custody or control over these environments and thus cannot respond as
9 to the source for those environments.

10 **JD Edwards Master Fix Record 1015079561**

11 Master Fix ID 1015079561 is not an actual fix that was provided to any customer, it is
12 only the identifier for the internal TomorrowNow record of a particular reported issue affecting
13 one or more TomorrowNow customers. The master fix record ID is simply a reference by which
14 TomorrowNow tracked its efforts to create individual client fixes to correct the issue identified in
15 the master fix record. This particular master fix record relates to a JD Edwards One World issue
16 and TomorrowNow's tracking of its efforts to create the necessary updates and fixes to correct the
17 issue. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix
18 ID\1015079561. This master fix record denotes the fact that there were potential year-end
19 updates and changes relating to the 2007 1099 forms for customers on Financials B73.3.2, Xe,
20 8.0, 8.9, 8.10 and, more specifically, those TomorrowNow customers having the accounts payable
21 application. *See id.* The master fix record required specific program and/or object changes as
22 applicable for each individual customer who received the client specific fix corresponding to this
23 master fix record. *Id.* Tom Leier was listed at the owner of this particular master fix record and
24 TomorrowNow reasonably believes that Lili Widjaja was the developer. *Id.* Further,
25 TomorrowNow reasonably believes that seven customers received the customer specific fix
26 related to this particular master fix record. Below is detailed information regarding the processes
27 related to this master fix record and any environments or environment components used as part of
28

1 those processes that TomorrowNow, with the assistance of its counsel¹¹ in this litigation, was
2 reasonably able to locate and include after extensive investigation related to this master fix
3 record.

4 ***Scoping***

5 Scoping is the initial process of identifying an issue and determining a plan for resolving
6 the issue. TomorrowNow monitored certain regulatory websites, including the IRS website, in
7 order to watch for potential regulatory or legislative changes in 2007. The JD Edwards team had
8 several meetings on an as needed basis regarding these potential changes and discussed the
9 potential impacts of any changes on the JD Edwards software applications. TomorrowNow
10 reasonably believes that the members of the team involved in these discussions included Tom
11 Leier, Lili Widjaja, Bijesh Lamsal, Mark Kreutz, Dale Wade, Jim Egger and Paul Auger. Part of
12 this process was the creation of a master fix record sometime in early fall noting that tax or
13 regulatory changes occurred that impacted specific applications. And, TomorrowNow reasonably
14 believes that Tom Leier created this master fix record as part of that usual process. *See* TN-
15 OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix ID\1015079561.

16 As part of the normal process, TomorrowNow reasonably believes that TomorrowNow
17 employees sent each JD Edwards customer that TomorrowNow had contracted with to perform
18 annual updates a “Year End Requirements” document to inform the customer of the upcoming tax
19 changes. As part of this process, TomorrowNow employees requested that the customer check
20 the updates they would like to receive that year. TomorrowNow, with the assistance of its
21 counsel in this litigation, has currently located some documentation relating to two customers
22 who received this email for the 2007 1099 update. *See* TN-OR04446719, TN (Hard Drive). 75 at
23 View: 1. Support\1. All\Cases by Fix ID\ Select 1015079561\Case Information\Select
24 Comments/Email/Time\ Select Incoming Email – Lili Widjaja 10/17/2007, 2007 Year End
25 Updates; TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases By Customer\
26 Select On Assignment, Inc.\Select 99. Closed – Client Satisfied w\ Resolution\Fix/Select Case ID
27 1128078884\Select Comments/Email/Time\ Select Incoming Email – Paul Auger 10/22/2007,

28 ¹¹*See* fn. 1, *supra*.

1 Urgent! 2007 YE Updates Revised. However, TomorrowNow could not confirm that every
2 customer that TomorrowNow contracted with to perform annual updates received and responded
3 to TomorrowNow's "Year End Requirements" document. TomorrowNow reasonably believes
4 that there were no customer environments or environment components used during this process.

5 During the scoping process, TomorrowNow believes that TomorrowNow employees
6 might have accessed the individual customers' environment through WebEx or another remote
7 connection to determine the exact object modification each customer required. *See, e.g.*, TN-
8 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select
9 1015079561\Case Information\Select Comments/Email/Time\Select Comment – Lili Widjaja
10 10/18/2007, WebEx Summary Oct. 18'07.

11 TomorrowNow reasonably believes that around the same time, TomorrowNow employees
12 created a "Business Requirements Specification" document describing the regulatory changes for
13 2007. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix ID\Select
14 1015079561\Select Fix Notes (Internal Use Only)\Select Scoping\BRS-2007 1099 JDE –
15 v.1.0doc. This was an internal TomorrowNow document that informed the members of
16 TomorrowNow's JD Edwards team of the updates and changes for 2007. TomorrowNow
17 reasonably believes that there were no customer environments or environment components used
18 during this process. Rather, based on these documents and discussions with former employees,
19 TomorrowNow reasonably believes this process was derived from the general tax research
20 TomorrowNow conducted throughout the summer and early fall and that preceded the delivery of
21 the updates and fixes related to this particular fix record.

22 ***Replication***

23 TomorrowNow has not been able to locate any information regarding any replication that
24 might have been performed relating to this particular master fix record. This may indicate that
25 replication for this particular fix was unnecessary and thus not performed.

26 ***Development***

27 As stated above, the master fix record itself is only a description of an issue or problem to
28 be addressed, and is not a developed deliverable fix or update of any type. The actual objects

1 developed and delivered that relate to this particular master fix record are the actual delivered
2 fixes and updates that were provided to customers and identified with this master fix record.
3 TomorrowNow reasonably believes that the first step in the development process for the specific
4 customer fixes for this year end update was to draft a Functional/Technical Design Specification
5 (“FTDS”) document. The author of the document was likely Lili Widjaja. The FTDS contained
6 the applicable changes, which included deleting fields and removing code relating to specific
7 objects. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4. By Fix ID>Select
8 1015079561>Select Fix Notes (Internal Use Only)\Select Funcational/Technical Analysis\FTDS –
9 2007 OneWorld 1099 Technical Design Document. This design document likely would then be
10 used to help develop each of the objects related to customer specific fixes associated with this
11 master fix record.

12 TomorrowNow, with the assistance of its counsel, was unable to determine through
13 discussions with former employees, a review of the relevant databases, servers, and documents,
14 the definitive environment components or environment used to develop this FTDS document.
15 The initial development may have occurred on behalf of ACH Food Companies (“ACH”) on an
16 ACH environment on its network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
17 Support\1. All\Cases by Fix ID\ Select 1015079561\ Select Case ID 1018071754>Select
18 Comments/Email/Time>Select Comment – Lili Widjaja 10/18/2007, Webex Summary Oct. 18’07
19 (“I will create Technical design for the 2007 1099 requirement.”). It may also have occurred on
20 behalf of Weil-McLain on a Weil-McLain environment on Weil-McLain’s network. *See* TN-
21 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases By Customer>Select 99.
22 Closed – Client Satisfied w/Resolution/Fix>Select Weil-McLain>Select Case ID
23 1022079112>Select Comments/Email/Time>Select Comment – Lili Widjaja 10/22/2007, 1099
24 Update – Summary (“I also finished the 1099 TDD and send request for approval from Dale, Eli,
25 Mark, & Tom.”). After reasonable attempts, TomorrowNow has not been able to reach Widjaja
26 to determine if she recalls what steps she took to develop this document and whether she used a
27 customer environment or environment components during the process.
28

1 TomorrowNow further reasonably believes that after the FTDS was created,
 2 TomorrowNow employees developed a “Net Change” document based on the FTDS. This
 3 document detailed all of the changes made to the applications for the client specific fix related to
 4 this particular master fix record. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master
 5 Fixes\4. By Fix ID\Select 1015079561\Select Documentation\2007 TN 1099 OW Net Change
 6 Guide V1.doc. That document accompanied the delivery of each of the client specific fixes
 7 associated with this master fix record. *Id.* Customer specific changes were likely noted in
 8 Appendix B. *Id.*

9 TomorrowNow reasonably believes that after developing the TDD and “Net Change”
 10 document, the development of the actual deliverable objects occurred using each specific
 11 customer’s environment on the customer’s network. For the following customers for whom a
 12 customer specific fix associated with this master fix record was delivered, TomorrowNow
 13 reasonably believes that the following development occurred:

- 14 • Texas Medical Association: The 1099 object changes were made using a Texas
 15 Medical Association environment on Texas Medical Association’s network. *See* TN-
 16 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix Id\Select
 17 Master Fix: 1015079561\Select Case ID 1127079024\Select
 18 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 12/5/2007, 1099 testing
 19 for Texas Medical Association.
- 20 • ACH Food Companies: The 1099 object changes were made using an ACH Food
 21 Companies environment on ACH Food Companies’ network. *See* TN-OR04446719,
 22 TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select
 23 1015079561\Select Case ID1018071754\Select Comments/Email/Time\Select
 24 Outgoing Email – Lili Widjaja 10/24/2007, Done with 2007 1099 Changes.
- 25 • Zimmer Inc.: The 1099 object changes were made using a Zimmer Inc environment on
 26 Zimmer Inc.’s network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
 27 Support\1. All\Cases By Customer\Select Zimmer Inc.\Select 99. Closed – Client
 28 Satisfied w/Resolution/Fix\Select Case ID103007985\Select

1 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 11/05/2007, 1099
2 Update applied and tested & documentation.

- 3 • Weil-McLain: The 1099 object changes were made using a Weil-McLain environment
4 on Weil McLain’s network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
5 Support\1. All\By Customer\ Select Weil-McLain\Select Case ID 1022079112\Select
6 Comments/Email/Time\Select Comment – Lili Widjaja 10/22/2007, 1099 Update -
7 Summary.
- 8 • On Assignment, Inc.: The 1099 object changes were made using an On Assignment,
9 Inc. environment on On Assignment Inc.’s network. *See* TN-OR04446719, TN (Hard
10 Drive). 75 at View: 1. Support\1. All\Cases By Customer\Select On Assignment,
11 Inc.\Select 99. Closed – Client Satisfied w/Resolution/Fix\Select Case ID
12 1105078606\Select Comments/Email/Time\Select Outgoing Email – Dale Wade
13 11/06/07, 2007 1099 Confirmation & Documentation.
- 14 • Plexus: The 1099 object changes were made using a Plexus environment on Plexus’s
15 network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases
16 By Customer\Select Plexus\Select 99. Closed – Client Satisfied
17 w/Resolution/Fix\Select Case ID 1023078930\Select Comments/Email/Time\Select
18 Outgoing Email – Lili Widjaja 10/25/2007, 2006 & 2007 1099 changes are done; *Id.*
19 at Timesheet by Lili Widjaja – 10/25/2007.
- 20 • Border Foods: The 1099 object changes were made using a Border Foods’s
21 environment on Border Foods’s network. *See* TN-OR04446719, TN (Hard Drive). 75
22 at View: 1. Support\2. Product Line\Case by Product\ Select Financials\Select
23 Accounts Payables\ Select Borders Foods\Select Case ID 1105071372\ Select
24 Comments/Email/Time\Select Outgoing Email – Dale Wade 11/6/2007, 1099 Updates
25 & Confirmation & Documentation.

26 ***Testing***

27 (a) *Unit Testing*

28

1 TomorrowNow reasonably believes that the process for unit testing the development
2 changes for the 1099 year end update related to this particular master fix record involved the
3 developer testing the program using the environments or environment components where the
4 change was made and immediately after installing the change. Lili Widjaja likely performed unit
5 testing to the extent any such testing was done. After reasonable attempts, TomorrowNow has
6 not been able to reach Widjaja to determine if she has any recollection of what customer
7 environment or environment components were used during this process if it occurred. To the
8 extent that unit testing occurred, TomorrowNow reasonably believes that the following client
9 specific fixes associated with this particular master fix were unit tested using the following
10 customer specific environments or environment components:

- 11 • Texas Medical Association: Any unit testing would have been completed using a
12 Texas Medical Association environment on Texas Medical Association's network.
13 See TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix
14 Id\Select Master Fix: 1015079561\Select Case ID 1127079024\Select
15 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 12/5/2007, 1099 testing
16 for Texas Medical Association.
- 17 • ACH Food Companies: Any unit testing would have been completed using an ACH
18 Food Companies environment on ACH Food Companies' network. See TN-
19 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\ Select
20 1015079561\Select Case ID1018071754\Select Comments/Email/Time\Select
21 Outgoing Email – Adriana O'Brien 11/5/2007, 1099 Update Complete –
22 Confirmation.
- 23 • Zimmer Inc.: Any unit testing would have been completed using a Zimmer Inc
24 environment on Zimmer Inc.'s network. See TN-OR04446719, TN (Hard Drive). 75 at
25 View: 1. Support\1. All\Cases By Customer\Select Zimmer Inc.\Select 99. Closed –
26 Client Satisfied w/Resolution/Fix\Select Case ID103007985\Select
27 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 11/05/2007, 1099
28 Update applied and tested & documentation.

- 1 • Weil-McLain: Any unit testing would have been completed using a Weil-McLain
2 environment on Weil McLain's network. *See* TN-OR04446719, TN (Hard Drive). 75
3 at View: 1. Support\1. All\By Customer\ Select Weil-McLain\Select Case ID
4 1022079112\Select Comments/Email/Time\Select Comment – Dale Wade 11/2/2007,
5 1099 Update Complete – Confirmation.
- 6 • On Assignment, Inc.: Any unit testing would have been completed using an On
7 Assignment, Inc. environment on On Assignment Inc.'s network. *See* TN-
8 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases By
9 Customer\Select On Assignment, Inc.\ Select 99. Closed – Client Satisfied
10 w/Resolution/Fix\Select Case ID 1105078606\Select Comments/Email/Time\Select
11 Outgoing Email – Dale Wade 11/06/07, 2007 1099 Confirmation & Documentation.
- 12 • Plexus: Any unit testing would have been completed using a Plexus environment on
13 Plexus' network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1.
14 All\Cases By Customer\Select Plexus\Select 99. Closed – Client Satisfied
15 w/Resolution/Fix\Select Case ID 1023078930\Select Comments/Email/Time\Select
16 Outgoing Email – Lili Widjaja 10/25/2007, 2006 & 2007 1099 changes are done; *Id.*
17 at Timesheet by Lili Widjaja – 10/25/2007.
- 18 • Border Foods: Any unit testing would have been completed using an Border Foods's
19 environment on Border Foods's network. *See* TN-OR04446719, TN (Hard Drive). 75
20 at View: 1. Support\2. Product Line\Case by Product\ Select Financials\ Select
21 Accounts Payables\ Select Borders Foods\ Select Case ID 1105071372\ Select
22 Comments/Email/Time\Select Outgoing Email – Dale Wade 11/6/2007, 1099 Updates
23 & Confirmation & Documentation.

24 *(b) Quality Assurance Testing*

25 TomorrowNow reasonably believes that the process for quality assurance testing the
26 development changes for the 1099 year end update related to this particular master fix record
27 involved testing the modified objects to make sure the applications were performing as expected.
28 With respect to this particular master fix record, Dale Wade or Elouise Plain likely performed

1 quality assurance testing to the extent any such testing was done. TomorrowNow reasonably
2 believes that, to the extent any quality assurance testing was done for the client specific fixes, it
3 would have been done remotely on the respective customer's environment. *See, e.g.*, TN-
4 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix Id>Select Master Fix:
5 1015079561>Select Case ID 1127079024>Select Comments/Email/Time>Select Outgoing Email –
6 Lili Widjaja 12/5/2007, 1099 testing for Texas Medical Association.

7 TomorrowNow reasonably believes that a test script was created and was based on the
8 technical documents noted above. These test scripts provide the steps that were followed by the
9 quality assurance tester. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 4. Master Fixes\4.
10 By Fix ID>Select 1015079561>Select Documentation\2007 TN 1099 OW Test Script AP V1.xls
11 and 2007 TN 1099 OW Test Script GL V1.xls. However, to date, TomorrowNow has not located
12 any customer specific documentation used to test the changes to these objects. Therefore, to the
13 extent any quality assurance testing was done, TomorrowNow expects that the following client
14 specific fixes were tested as outlined by the test scripts using an environment located on the
15 customer's network as follows:

- 16 • Texas Medical Association: Any quality assurance testing would have been completed
17 using a Texas Medical Association environment on Texas Medical Association's
18 network. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases
19 by Fix Id>Select Master Fix: 1015079561>Select Case ID 1127079024>Select
20 Comments/Email/Time>Select Outgoing Email – Dale Wade 12/5/2007, 1099 Updates
21 Applied & Tested -- Documentation.
- 22 • ACH Food Companies: Any quality assurance testing would have been completed
23 using an ACH Food Companies environment on ACH Food Companies' network. *See*
24 TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases by Fix ID\
25 Select 1015079561>Select Case ID1018071754>Select Comments/Email/Time>Select
26 Outgoing Email – Adriana O'Brien 11/5/2007, 1099 Update Complete –
27 Confirmation.

- 1 • Zimmer Inc.: Any quality assurance testing would have been completed using a
2 Zimmer Inc environment on Zimmer Inc.'s network. *See* TN-OR04446719, TN (Hard
3 Drive). 75 at View: 1. Support\1. All\Cases By Customer\Select Zimmer Inc.\Select
4 99. Closed – Client Satisfied w/Resolution/Fix\Select Case ID103007985\Select
5 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 11/05/2007, 1099
6 Update applied and tested & documentation.
- 7 • Weil-McLain: Any quality assurance testing would have been completed using a
8 Weil-McLain environment on Weil McLain's network. *See* TN-OR04446719, TN
9 (Hard Drive). 75 at View: 1. Support\1. All\By Customer\Select Case ID
10 1022079112\Select Comments/Email/Time\Select Comment – Dale Wade 11/2/2007,
11 1099 Update Complete – Confirmation.
- 12 • On Assignment, Inc.: Any quality assurance testing would have been completed using
13 an On Assignment, Inc. environment on On Assignment Inc.'s network. *See* TN-
14 OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases By
15 Customer\Select On Assignment, Inc.\ Select 99. Closed – Client Satisfied
16 w/Resolution/Fix\Select Case ID 1105078606\Select Comments/Email/Time\Select
17 Outgoing Email – Dale Wade 11/06/07, 2007 1099 Confirmation & Documentation.
- 18 • Plexus: Any quality assurance testing would have been completed using a Plexus
19 environment on Plexus' network. *See* TN-OR04446719, TN (Hard Drive). 75 at View:
20 1. Support\1. All\Cases By Customer\Select Plexus\Select 99. Closed – Client
21 Satisfied w/Resolution/Fix\Select Case ID 1023078930\Select
22 Comments/Email/Time\Select Outgoing Email – Lili Widjaja 11/5/2007, 1099 Update
23 Complete – Confirmation.
- 24 • Border Foods: Any unit testing would have been completed using a Border Foods's
25 environment on Border Foods's network. *See* TN-OR04446719, TN (Hard Drive). 75
26 at View: 1. Support\2. Product Line\Case by Product\ Select Financials\Select
27 Accounts Payables\Select Borders Foods\Select Case ID 1105071372\ Select
28

1 Comments/Email/Time\Select Outgoing Email – Dale Wade 11/6/2007, 1099 Updates
2 & Confirmation & Documentation.

3 Additionally, these test scripts may have been delivered to clients for their own testing of
4 the customer specific fix associated with this master fix record. However, TomorrowNow has not
5 yet located any information regarding whether any test scripts were actually delivered to any
6 clients related to this particular master fix record.

7 ***Delivery***

8 TomorrowNow believes that the customer specific fixes associated with this master fix
9 record were delivered remotely as follows:

- 10 • Texas Medical Association. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
11 Support\1. All\Cases by Fix Id\Select Master Fix: 1015079561\Select Case ID
12 1127079024\Select Comments/Email/Time\Select Outgoing Email – Dale
13 Wade12/5/2007, 1099 Updates Applied & Tested -- Documentation.
- 14 • ACH Food Companies. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
15 Support\1. All\Cases by Fix ID\ Select 1015079561\Select Case ID1018071754\Select
16 Comments/Email/Time\Select Outgoing Email – Adriana O’Brien 11/5/2007, 1099
17 Update Complete – Confirmation.
- 18 • Zimmer Inc. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1.
19 All\Cases By Customer\Select Zimmer Inc.\Select 99. Closed – Client Satisfied
20 w/Resolution/Fix\Select Case ID103007985\Select Comments/Email/Time\Select
21 Outgoing Email – Lili Widjaja 11/05/2007, 1099 Update applied and tested &
22 documentation.
- 23 • Weil-McLain. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1.
24 All\By Customer\Select Weil-McLain\Select Case ID 1022079112\Select
25 Comments/Email/Time\Select Comment – Dale Wade 11/2/2007, 1099 Update
26 Complete – Confirmation.
- 27 • On Assignment, Inc. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1.
28 Support\1. All\Cases By Customer\Select On Assignment, Inc.\ Select 99. Closed –

1 Client Satisfied w/Resolution/Fix\Select Case ID 1105078606\Select
2 Comments/Email/Time\Select Outgoing Email – Dale Wade 11/06/07, 2007 1099
3 Confirmation & Documentation.

- 4 • Plexus. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\1. All\Cases
5 By Customer\Select Plexus\\Select 99. Closed – Client Satisfied
6 w/Resolution/Fix\Select Case ID 1023078930\Select Comments/Email/Time\Select
7 Outgoing Email – Lili Widjaja 11/5/2007, 1099 Update Complete – Confirmation.
- 8 • Border Foods. *See* TN-OR04446719, TN (Hard Drive). 75 at View: 1. Support\2.
9 Product Line\Case by Product\Select Financials\Select Accounts Payables\Select
10 Borders Foods\Select Case ID 1105071372\Select Comments/Email/Time\Select
11 Outgoing Email – Dale Wade 11/6/2007, 1099 Updates & Confirmation &
12 Documentation.

13 Additionally, as documented in the SAS database cases noted above, these test scripts, the
14 test results, and the Net Change Guide were emailed to clients or placed directly onto the client’s
15 machine following the remote quality assurance testing.

16 ***Sources of Environments Referenced Above***

17 TomorrowNow reasonably believes that the only environment or environment
18 components used, accessed, or associated with the processes described above were on the
19 respective customer’s environments. TomorrowNow does not have control, custody, or
20 possession over these environments and so cannot respond as to the source for these
21 environments. As stated above, TomorrowNow currently lacks sufficient information to
22 determine, what, if any, environment or environment components was used to develop the FTDS.

23 **RESPONSE TO INTERROGATORY NO. 14(A):**

24 THIS RESPONSE IS DESIGNATED AS CONFIDENTIAL.

25 This response is the separate supplemental response required by the Court’s August 31,
26 2009 Order and: (1) generally describes the process used, (2) provides an approximation of the
27 amount of time spent, (3) provides an approximation of the expense incurred and (4) provides a
28 list of the former employees consulted to provide the narrative contained in the second

1 supplemental response above. To provide the foregoing narrative responses for each master fix
 2 record, TomorrowNow, with the assistance of its counsel¹² in this litigation, reviewed extensive
 3 records and either communicated with or attempted to communicate with numerous former
 4 TomorrowNow employees that appeared to be involved in a substantive way with each master fix
 5 record for which a response was provided. A complete list of the sources relied on and the former
 6 employees that TomorrowNow attempted to communicate with is contained under a heading for
 7 each master fix record below. In all, TomorrowNow reasonably believes that in excess of 500
 8 attorney hours totaling over \$142,000 in fees and related expenses incurred by TomorrowNow in
 9 providing the combined narrative supplemental responses to Interrogatory 14 and preparing this
 10 response to Interrogatory 14(a).

11 **PeopleSoft Master Fix Record CSS-TN-0112069292**

12 TomorrowNow reviewed and relied on all of the data specifically identified in the
 13 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 14 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 15 • TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78.
- 16 • TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 17 • TN-FS01_F “Record”: *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705,
 18 TN (Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- 19 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 20 • Deposition testimony in this case to date
- 21 • TN-OR03639758-89; TN-OR06528151-54; TN-OR06517337-40; TN-OR00308459-
 22 73; TN-OR00832523-24; TN-OR03662637-38; TN-OR01186897; TN-OR07002783-
 23 84; TN-OR07002786; TN-OR07002798; TN-OR03639582; TN-OR01193250; TN-
 24 OR03639726-29; TN-OR03639793-94; TN-OR00832683; TN-OR06533226-29; TN-
 25 OR02487331-32; TN-OR00905000-01; TN-OR02194345; TN-OR01207673; TN-
 26 OR03640068; TN-OR00925193; TN-OR01187008-09; TN-OR07023266; TN-
 27 OR07002799; TN-OR07023284; TN-OR07002841-42; TN-OR06997884-85; TN-

28 ¹²*See* fn. 1, *supra*.

1 OR00929865-67; TN-OR00832691; TN-OR00929873; TN-OR00929869; TN-
2 OR07002899; TN-OR07002900-01; TN-OR01186924-25; TN-OR00929875; TN-
3 OR01193297-98; TN-OR00402008; TN-OR00832699; TN-OR06527270-71; TN-
4 OR01186987; TN-OR02604931; and TN-OR03639865-66.

5 Further, TomorrowNow through its counsel spoke with Catherine Hyde, Melissa
6 Dominguez (Garcia), Beth Lester, Wanda Jones, Sharon Piper, and Kimberly Martinez.

7 **PeopleSoft Master Fix Record TN-AP06OCT**

8 TomorrowNow reviewed and relied on all of the data specifically identified in the
9 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 10 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- 11 • The TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78
- 12 • The TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 13 • The TomorrowNow TN-FS01_F Server: *See* TN-OR06577704, TN (Hard Drive).93;
14 TN-OR0657705, TN (Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- 15 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 16 • Deposition testimony in this case to date
- 17 • TN-OR01272030 – TN-OR01272035; TN-OR01272036 – TN-OR01272039; TN-
18 OR01274518 – TN-OR01274521; TN-OR01678657; TN-OR05196514 – TN-
19 OR05196518; TN-OR01272029; TN-OR07026482 – TN-OR07026484; TN-
20 OR05354906 – TN-OR05354907; TN-OR05355372 – TN-OR05355373; TN-
21 OR07026555 – TN-OR07026557; TN-OR05356130 – TN-OR05356131; TN-
22 OR01243610; TN-OR01243611 – TN-OR01243652; TN-OR01243653 – TN-
23 OR01243661; TN-OR01251667 – TN-OR01251668; TN-OR01251669 – TN-
24 OR01251682; TN-OR00712126 – TN-OR00712127; TN-OR05357774 – TN-
25 OR05357775; TN-OR00432953; TN-OR07820731 – TN-OR07820732; TN-
26 OR05399873 – TN-OR05399874; TN-OR00906120 – TN-OR00906121; TN-
27 OR01251902 – TN-OR01251904; TN-OR07820798 – TN-OR07820802; TN-
28 OR07820806 – TN-OR07820811; TN-OR07231532; TN-OR00906122 – TN-

1 OR00906425; TN-OR06852438; TN-OR07847580; TN-OR00912459 – TN-
2 OR00912460; TN-OR07820925 – TN-OR07820927; TN-OR07820940 – TN-
3 OR07820941; TN-OR05400217 – TN-OR05400220; TN-OR07820958 – TN-
4 OR07820960; TN-OR07847695; TN-OR07820967 – TN-OR07820971; TN-
5 OR07847988; TN-OR07847990; TN-OR00921131; TN-OR07848102; TN-
6 OR00906140 – TN-OR00906141; TN-OR00906142; TN-OR00402460; TN-
7 OR07821248 – TN-OR07821252; TN-OR00906143 – TN-OR00906144; TN-
8 OR07821256 – TN-OR07821258; TN-OR01262906 – TN-OR01262910; TN-
9 OR00402461; TN-OR00402462; TN-OR00402463; TN-OR00402464; TN-
10 OR00402465; TN-OR00402466; TN-OR00402467; TN-OR00402468; TN-
11 OR00402469; TN-OR02194797; TN-OR02194798; TN-OR02194799; TN-
12 OR02194800; TN-OR02194801; TN-OR02194802; TN-OR02194803; TN-
13 OR02194804; TN-OR07231666 – TN-OR07231667; TN-OR05402681 – TN-
14 OR05402682; TN-OR06201738 – TN-OR06201739; TN-OR00906146; TN-
15 OR01262916 – TN-OR01262917; TN-OR01262923 – TN-OR01262924; TN-
16 OR07848488; TN-OR01252520; TN-OR01252563 – TN-OR01252564; TN-
17 OR01252576 – TN-OR01252578; TN-OR00906151 – TN-OR00906152; TN-
18 OR00906153; TN-OR07821341; TN-OR00906154; TN-OR02194806; TN-
19 OR07849161; TN-OR00906161; TN-OR02194807; TN-OR02194808; TN-
20 OR05403064 – TN-OR05403065; TN-OR00906163 – TN-OR00906164; TN-
21 OR02194809; TN-OR02194810; TN-OR05503264 – TN-OR05503265; TN-
22 OR05403114 – TN-OR05403115; TN-OR05403125 – TN-OR05403127; and TN-
23 OR00906173

24 Further, TomorrowNow, through its counsel, spoke with Prasad Pinnamarju, Mario
25 Ramia, Fernando Camblor, and Melissa Dominguez (Garcia). After a number of attempts,
26 TomorrowNow was unable to contact Tim Harper or Cynthia Teo.
27
28

PeopleSoft Master Fix Record CSS-TN-0103076718

TomorrowNow reviewed and relied on all of the data specifically identified in the narrative above. In addition, TomorrowNow reviewed and relied on the following:

- The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78
- TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- TomorrowNow TN-FS01_F: *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705, (TN Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- BakTrack: *See* TN-OR 06125330, TN (Disc).202
- Deposition testimony in this case to date
- TN-OR06571679-80; TN-OR01210130-31; TN-OR02746203-05; TN-OR02847731-33; TN-OR02095127-29; TN-OR02814500-06; TN-OR00044621-29; TN-OR00759797; TN-OR00759805-11; TN-OR00759821-29; TN-OR00759830; TN-OR02641588-96; TN-OR00698936-37; TN-OR02096532; TN-OR02821118-19; TN-OR03526022; TN-OR03526030-32; TN-OR03526101-02; TN-OR06206392-95; TN-OR07854985-88; TN-OR00834569-72; TN-OR03536172-177; TN-OR03542713-14; TN-OR07823999-4002; TN-OR03536322-23; TN-OR00686608-10; TN-OR00764487-89; TN-OR00409272-84; TN-OR00764593; TN-OR03536361-62; TN-OR03536373-74; TN-OR01190503-06; TN-OR03536403-05; TN-OR02099571-74; TN-OR03528365-74; TN-OR03528375; TN-OR02110964-69; TN-OR02111282-87; TN-OR00915792-94; TN-OR07007671-73; TN-OR00915887-89; TN-OR01628869-71; TN-OR01200427-30; TN-OR00705616-36; TN-OR03530243-45; TN-OR00906420-23; TN-OR07049961-62; TN-OR00835308-13; TN-OR01201628-30; TN-OR07007730; TN-OR07007731-34; TN-OR07814384-412; TN-OR03532930; TN-OR01202124-29; TN-OR00707238-43; TN-OR01190944-45; TN-OR07862461-84; TN-OR07041417-20; TN-OR01202098-101; TN-OR00707326-27; TN-OR03533853-54; TN-OR07862485-90; TN-OR06047686-87; TN-OR07031945-47; and TN-OR07047811-13.

1 Further, TomorrowNow through its counsel spoke with Matthew Bowden, Barry Rapavy,
2 Sara Lu, David Swartwood, Shelley Blackmarr, and Kimberly Martinez regarding this master fix
3 record.

4 **PeopleSoft Master Fix Record 2005B-751C**

5 TomorrowNow reviewed and relied on all of the data specifically identified in the
6 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 7 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- 8 • Mail03 Server: *See* TN-OR04497668, TN(Hard Drive).78
- 9 • Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 10 • TN-FS01_F: *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705, TN (Hard
11 Drive).94; TN-OR0657706, TN (Hard Drive).95
- 12 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 13 • Matrix: *See* TN-OR04446718, TN (Disc).174
- 14 • Deposition testimony in this case to date
- 15 • TN-OR00707936; TN-OR02252544; TN-OR02252570-75; TN-OR02252577; TN-
16 OR02252603-08; TN-OR02359580; TN-OR02359606-11; TN-OR02359613; TN-
17 OR02359639-44; TN-OR02359646; TN-OR02359672-77; TN-OR02484599; TN-
18 OR02484625-30; TN-OR02599717; TN-OR02599743-48; TN-OR02701972; TN-
19 OR02701998-03; TN-OR02702005; TN-OR02702031-36; TN-OR00842557; TN-
20 OR00714353-80; TN-OR00842591; TN-OR0TN-OR00842607; TN-OR00401147;
21 TN-OR00401148; TN-OR00401149; TN-OR00401150; TN-OR00401151; TN-
22 OR00401152; TN-OR00401153; TN-OR00401154; TN-OR00401155; TN-
23 OR00401156; TN-OR00401157; TN-OR00679301; TN-OR00842742; TN-
24 OR01185063; TN-OR02254075; TN-OR02254076; TN-OR02255243; TN-
25 OR02255244-49; TN-OR02601419; TN-OR02601420; TN-OR02602587; TN-
26 OR02602588-93; TN-OR0; TN-OR02881239; TN-OR02882411; TN-OR02882412-
27 17; TN-OR00401292; TN-OR00842832; TN-OR00842833; TN-OR03623799; TN-
28 OR00401161; TN-OR00401162; TN-OR00401163; TN-OR00401164; TN-

1 OR00401165; TN-OR00401166; TN-OR00401167; TN-OR00401168; TN-
 2 OR00401169; TN-OR0401170; TN-OR00679355; TN-OR00842860; TN-
 3 OR00842862; TN-OR02193847; TN-OR02256143; TN-OR02256168-73; TN-
 4 OR02256174-77; TN-OR02602646; TN-OR02602671-76; TN-OR02602677-80; TN-
 5 OR02624689; TN-OR02702988; TN-OR02703163; TN-OR02703164-69; TN-
 6 OR03623928-30; TN-OR02726979-84; TN-OR02726985-88; TN-OR02360176; TN-
 7 OR02861476; TN-OR00212174-75; TN-OR02404867-68; TN-OR0714484-90; TN-
 8 OR03659275-79; TN-OR02511829-32; TN-OR02727205-18; TN-OR02837479; TN-
 9 OR02360295; TN-OR02360320-25; TN-OR02360327; TN-OR02360352-57; TN-
 10 OR02360359; TN-OR02360384-89; TN-OR02485425; TN-OR02485450-55; TN-
 11 OR02485457; TN-OR02485482-87; TN-OR02602801; TN-OR02602826-31; TN-
 12 OR02703269; TN-OR02703294-99; TN-OR02703301; TN-OR02703326-31; TN-
 13 OR02703333; TN-OR02703358-63; TN-OR02703365; TN-OR02703390-95; and TN-
 14 OR02851938-41.

15 Further, TomorrowNow through its counsel spoke with Catherine Hyde, Beth Lester,
 16 Sharon Piper, and Melissa Dominguez/Garcia.

17 **PeopleSoft Master Fix Record CSS-TN-0114089315**

18 TomorrowNow reviewed and relied on all of the data specifically identified in the
 19 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 20 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 21 • TomorrowNow Mail03 Server: *See* TN-OR04497668, TN(Hard Drive).78
- 22 • TomorrowNow Web01 Server: *See* TN-OR04497673 TN (Disc).186
- 23 • TN-FS01_F: *See* TN-OR06657301, TN (Hard Drive). 98; TN-OR06756457, TN
- 24 (Hard Drive). 102; TN-OR07099077, TN (Disc). 258; TN-OR 07099078, TN (Hard
- 25 Drive). 104
- 26 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 27 • PathFinder: *See* TN-OR 04498712, TN (Disc).190
- 28 • Deposition testimony in this case to date

1 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Dale
2 Wade, Elouise Plain, and Paul Auger. TomorrowNow through its counsel attempted to contact,
3 but was unable to reach, Lili Widjaja.

4 **JD Edwards Master Fix Record 1012062843**

5 TomorrowNow reviewed and relied on all of the data specifically identified in the
6 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 7
- 8 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
 - 9 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
 - 10 • TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
 - 11 • TomorrowNow server JD-WSVR01_G: *See* TN-OR03712548, TN (Hard Drive).50
 - 12 • Deposition testimony in this case to date
 - 13 • TN-OR00073851; TN-OR01477623; TN-OR02084917; TN-OR05939643; TN-
14 OR01477638; TN-OR02085148; TN-OR05931994-95; TN-OR00072992; TN-
15 OR00072993-95; TN-OR01486233; TN-OR01486234-36; TN-OR01496337-39; TN-
OR00076044-48; TN-OR01381699-703; and TN-OR01477819-23.

16 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Patti
17 Von Feldt, Dale Wade, Elouise Plain, and Paul Auger.

18 **JD Edwards Master Fix Record 1122054572**

19 TomorrowNow reviewed and relied on all of the data specifically identified in the
20 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 21
- 22 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
 - 23 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
 - 24 • TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
 - 25 • TomorrowNow server: *See* JD-WSVR01_G: TN-OR03712548, TN (Hard Drive).50
 - 26 • Deposition testimony in this case to date
 - 27 • TN-OR00073758; TN-OR02084240; TN-OR02084241-52; TN-OR00073774; TN-
28 OR05681711-45; TN-OR00073009-12; TN-OR00062191-92; TN-OR05663931-34;

1 TN-OR05663935-42; TN-OR02084241-44; TN-OR05669763-97; TN-OR05681903-
2 04; TN-OR00073773; TN-OR05681903-04; and TN-OR076507-09.

3 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Keith
4 Larsen, Dale Wade, and Elouise Plain.

5 **JD Edwards Master Fix Record 1015079561**

6 TomorrowNow reviewed and relied on all of the data specifically identified in the
7 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 8
- 9 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
 - 10 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
 - 11 • TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
 - 12 • TomorrowNow server JD-WSVR01_G: TN-OR03712548, TN (Hard Drive).50
 - 13 • Deposition testimony in this case to date

14 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Tom Leier, Jim
15 Egger, Dale Wade, Elouise Plain, and Paul Auger. TomorrowNow through its counsel attempted
16 to speak with Lili Widjaja, but was unable to reach her after repeated attempts to do so.

17 Dated: December 4, 2009

JONES DAY

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By: /s/ Jason McDonell
Jason McDonell

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21

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

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EXHIBIT D

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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. 07-CV-1658 PJH (EDL)

**DEFENDANT TOMORROWNOW,
INC.'S EIGHTH AMENDED AND
SUPPLEMENTAL RESPONSE TO
PLAINTIFF ORACLE
CORPORATION'S FIRST SET OF
INTERROGATORIES (SET ONE)**

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INTERROGATORY NO. 11:

Identify all Software and Support Materials You have Downloaded.

1 **RESPONSE TO INTERROGATORY NO. 11:**

2 THIS RESPONSE IS DESIGNATED AS CONFIDENTIAL INFORMATION.

3 Subject to and without waiving the General Objections and Responses, TomorrowNow
4 responds as follows: the most complete known set of relevant materials downloaded by
5 TomorrowNow on behalf of its customers is located on TomorrowNow file servers. The
6 information sought by this interrogatory can be derived or ascertained by review of the relevant
7 files and folders from those servers, which will be included in TomorrowNow's document
8 production and on which TomorrowNow relies to respond to this interrogatory pursuant to Rule
9 33(d).

10 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

11 THIS SUPPLEMENTAL RESPONSE IS DESIGNATED AS CONFIDENTIAL
12 INFORMATION.

13 TomorrowNow further responds as follows: Defendants incurred the extreme expense and
14 burden of presenting data from TomorrowNow's servers that Defendants' reasonably believe
15 were used in the servicing of TomorrowNow's PeopleSoft, JDE, and Siebel customers through an
16 electronic "Data Warehouse." In total, Plaintiffs were presented 93 server partitions that consist
17 of approximately 10.2 terabytes of data for review and were allowed to select the files they would
18 like for production. From that review, Defendants have already produced over 8.1 million files
19 and approximately 4.9 terabytes of data and are in the process of producing an additional
20 approximately 4.5 million files totaling about 2.7 terabytes of data.

21 In addition, Defendants produced complete logical images of backup tape copies of
22 DCITBU01_G (a TomorrowNow server that is in excess of five terabytes) and completed backup
23 tapes of TomorrowNow's AS/400. Through this process, Oracle has been able to examine and
24 request production of possible software and support materials that were downloaded by
25 TomorrowNow on behalf of its customers and kept in a centralized location. Additionally,
26 software and support materials could be contained within the SAS databases, on TomorrowNow
27 employee hard drives, and/or within TomorrowNow employee e-mail boxes; however, to the
28 extent that software and support materials were saved in these locations, they were not saved in a

1 systemic fashion and were not centralized sources for these materials. *See* TN-OR03775478, TN
2 (Hard drive) 67 for the latest version of the SAS databases.

3 At this time and pursuant to Rule 33(d), TomorrowNow is aware of the following specific
4 locations where materials downloaded by TomorrowNow on behalf of its customers can be
5 located:

- 6 • DCITBU01_G\JDE\JDE Delivered Updates & Fixes; *see* TN-OR02989995-97
- 7 • DCITBU01_G\PeopleSoft; *see* TN-OR02989991-94 and TN-OR02989996
- 8 • DCDL1-2, DCLD4-20; *see* TN-OR05249607
- 9 • Tempstore_CE\D\PeopleSoft; TomorrowNow has produced the files initially
10 requested by Oracle as TN-OR03727369 and will be producing the files from
11 Tempstore_CE\D\PeopleSoft marked “Record” by Plaintiffs which
12 TomorrowNow believes may contain materials downloaded by TomorrowNow on
13 behalf of its customers.
- 14 • TN-FS01_F\C\DellRestore\F Drive\PS\PS Delivered Updates & Fixes; *see* TN-
15 OR03678707
- 16 • JD-WSVR01_G\JDE\JDE Delivered Updates & Fixes: TomorrowNow has
17 produced the files initially requested by Oracle as TN-OR03712548 and will be
18 producing the files from JD-WSVR01_G\JDE\JDE Delivered Updates & Fixes
19 marked “Record” by Plaintiffs which TomorrowNow believes may contain
20 materials downloaded by TomorrowNow on behalf of its customers
- 21 • The AS/400 ENT01 Partition and World Partition may also contain some materials
22 downloaded by TomorrowNow on behalf of its customers; *see* TN-OR03677098-
23 104, TN-OR03678711-14, and TN-OR04446716

24 Any additional files and folders sought by this interrogatory can be derived or ascertained
25 by a review of the servers already made available as part of the Data Warehouse and from files
26 and folders that have been or are being produced as part of TomorrowNow’s ongoing document
27 production.

1 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

2 THIS SECOND SUPPLEMENTAL RESPONSE IS DESIGNATED AS
3 CONFIDENTIAL INFORMATION.

4 TomorrowNow further responds that, at this time and pursuant to Rule 33(d),
5 TomorrowNow is aware of the following additional centralized locations where materials
6 downloaded by TomorrowNow on behalf of its customers can be located:

- 7 • Tempstore_CE\D\PeopleSoft; *see* TN-OR03727369, TN(Hard Drive).53 and TN-
8 OR05249613, TN(Hard Drive).84
- 9 • JD-WSVR01_G\JDE\JDE Delivered Updates & Fixes; *see* TN-OR03712548,
10 TN(Hard Drive).50 and TN-OR06125331, TN(Hard Drive).86
- 11 • TN-FS02_E\Delivered Updates & Fixes; *see* TN-OR06423585, TN(Hard Drive).91
- 12 • TN-FS01_F\C\DellRestore\F Drive\Client Download Links; *see* TN-OR03678707,
13 TN(Hard Drive).39
- 14 • TN-FS01_F\C\DellRestore\F Drive\PS\JDE Oneworld International Docs and Release
15 Notes; *see* TN-OR03678707, TN(Hard Drive).39
- 16 • TN-FS01_F\C\DellRestore\F Drive\PS\JDE World International Docs and Release
17 Notes; *see* TN-OR03678707, TN(Hard Drive).39
- 18 • JDDEV03\D\Downloads\Peoplesoft - has been made available to Plaintiffs for
19 inspection as part of the Data Warehouse protocol
- 20 • JDDEV03\D\ESUhtm - has been made available to Plaintiffs for inspection as part of
21 the Data Warehouse protocol

22 **SIEBEL SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

23 THIS SIEBEL SUPPLEMENTAL RESPONSE IS DESIGNATED AS CONFIDENTIAL
24 INFORMATION.

25 As noted above, Defendants incurred the extreme expense and burden of presenting data
26 from TomorrowNow's servers that Defendants' reasonably believe were used in the servicing of
27 TomorrowNow's PeopleSoft, JDE, and Siebel customers through an electronic "Data
28 Warehouse." TomorrowNow relies on all of its current responses to Interrogatory No. 11 above

1 in responding to this supplemental Siebel request. Specifically, with regard to TomorrowNow's
2 support of Siebel products, Plaintiffs were presented seven servers, including restored logical
3 images of eighteen virtual machines from these servers, to review. Moreover, Defendants
4 produced complete logical images of backup tape copies of DCITBU01_G (a TomorrowNow
5 server that is in excess of five terabytes), including data related to TomorrowNow's support of
6 Siebel customers. Defendants also made available for Plaintiffs review all of the files from a file
7 share server (TN-FS01_F) utilized by the Siebel team, including restoring logical images of all of
8 the virtual machines on this server. Pursuant to the parties' agreement on April 3, 2009,
9 TomorrowNow has further gone through the high cost and extreme burden of re-collecting
10 several server partitions requested by Plaintiffs after October 31, 2008, including TN-FS01_F,
11 and making them available to review in the Data Warehouse.

12 Through this process, Plaintiffs have been able to examine and request production of
13 information obtained by TomorrowNow on behalf of its respective customers from SupportWeb
14 and software obtained by TomorrowNow on behalf of its respective customers from the Oracle
15 FTP site, Oracle e-delivery, and/or the customer. Additionally, software and support materials
16 could be contained within the SAS databases, on TomorrowNow employee hard drives, and/or
17 within TomorrowNow employee e-mail boxes; however, to the extent that software and support
18 materials were saved in these locations, they were not saved in a systemic fashion and were not
19 centralized sources for these materials. *See* TN-OR03727374, TN (Disc). 157 (Siebel.nsf) and
20 TN-OR04446719, TN(Hard Drive).75 (same Siebel.nsf file).

21 At this time and pursuant to Rule 33(d), TomorrowNow is aware of the following specific
22 locations where information obtained by TomorrowNow on behalf of its respective customers or
23 prospective customers from SupportWeb and software obtained by TomorrowNow on behalf of
24 its respective customers from the Oracle FTP site, Oracle e-delivery, and/or the customer can be
25 located:

- 26 • SBLPROD02\SupportWeb-2007.03.11-PSCU_Financial_Services.rar; *see* TN-
27 OR04232668, TN(Hard Drive).72

- 1 • TN-FS01_F\C\Siebel\Clients\Actel; *see* TN-OR06577706, TN (Hard Drive).95 and
- 2 TN-OR07099078, TN(Hard Drive).104
- 3 • TN-FS01_F\C\Siebel\Clients\ATX; *see* TN-OR06577706, TN (Hard Drive).95 and
- 4 TN-OR07099078, TN(Hard Drive).104
- 5 • TN-FS01_F\C\Siebel\Clients\CSBP; *see* TN-OR06577706, TN (Hard Drive).95 and
- 6 TN-OR07099078, TN(Hard Drive).104
- 7 • TN-FS01_F\C\Siebel\Clients\Everdream; *see* TN-OR06577706, TN (Hard Drive).95
- 8 and TN-OR07099078, TN(Hard Drive).104
- 9 • TN-FS01_F\C\Siebel\Clients\FSC; *see* TN-OR06577706, TN (Hard Drive).95 and
- 10 TN-OR07099078, TN(Hard Drive).104
- 11 • TN-FS01_F\C\Siebel\Clients\MKS; *see* TN-OR06577706, TN (Hard Drive).95 and
- 12 TN-OR07099078, TN(Hard Drive).104
- 13 • TN-FS01_F\C\Siebel\Clients\NextiraOne; *see* TN-OR06577706, TN (Hard Drive).95
- 14 and TN-OR07099078, TN(Hard Drive).104
- 15 • TN-FS01_F\C\Siebel\Clients\Pomeroy; *see* TN-OR06577706, TN (Hard Drive).95
- 16 and TN-OR07099078, TN(Hard Drive).104
- 17 • TN-FS01_F\C\Siebel\Clients\PSCU Financial Services; *see* TN-OR06577706, TN
- 18 (Hard Drive).95 and TN-OR07099078, TN(Hard Drive).104
- 19 • TN-FS01_F\C\Siebel\Clients\Rockwell; *see* TN-OR06577706, TN (Hard Drive).95
- 20 and TN-OR07099078, TN(Hard Drive).104
- 21 • TN-FS01_F\C\Siebel\Clients\Smart Center; *see* TN-OR06577706, TN (Hard
- 22 Drive).95 and TN-OR07099078, TN(Hard Drive).104
- 23 • TN-FS01_F\C\Siebel\Clients\Standard Register; *see* TN-OR06577706, TN (Hard
- 24 Drive).95 and TN-OR07099078, TN(Hard Drive).104
- 25 • DCITBU01_G\Siebel\Actel; *see* TN-OR02989998, TN(Hard Drive).34
- 26 • DCITBU01_G\Siebel\PSCU Financial Services; *see* TN-OR02989998, TN(Hard
- 27 Drive).34
- 28 • DCITBU01_G\Siebel\Standard Register; TN-OR02989998, TN(Hard Drive).34

1 Any additional files and folders sought by this interrogatory can be derived or ascertained
2 by a review of the servers already made available as part of the Data Warehouse and from files
3 and folders that have been or are being produced as part of TomorrowNow's ongoing document
4 production.

5 **ORACLE DATABASE SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

6 THIS SECOND SUPPLEMENTAL RESPONSE IS DESIGNATED AS
7 CONFIDENTIAL INFORMATION.

8 Defendants incurred the extreme expense and burden of presenting data from
9 TomorrowNow's servers that Defendants' reasonably believe were used in the servicing of
10 TomorrowNow's PeopleSoft, JDE, and Siebel customers, including any Oracle database
11 components on these servers, through an electronic "Data Warehouse," which is incorporated by
12 reference under Rule 33(d). TomorrowNow also incorporates by reference into this supplemental
13 response all of its current responses to Plaintiff's Fifth Set of Interrogatories to Defendant
14 TomorrowNow, Inc. and Fourth Set to Defendants SAP AG and SAP America, Inc. Interrogatory
15 Nos. 122 and 124, in responding to this request. Through this process, Oracle has been able to
16 examine and request production of possible software and support materials that were kept in a
17 centralized location, including any potential Oracle database software and support materials.
18 Additionally, software and support materials could be contained on TomorrowNow employee
19 hard drives, and/or within TomorrowNow employee e-mail boxes; however, to the extent that
20 software and support materials were saved in these locations, they were not saved in a systematic
21 fashion and were not centralized sources for these materials.

22 As detailed below, TomorrowNow underwent the burden of attempting to locate the exact
23 release information for the database components on TomorrowNow's network by searching for
24 sqlnet.log files within the network folder of each installation of the Oracle database related
25 product versions to determine the specific release and version information for the instances that
26 were likely installed and accessed by TomorrowNow. TomorrowNow was able to locate the
27 following information:
28

- 1 • PSDEV01_LV00\app\oracle\product\8.1.7\network\log\sqlnet.log, identifying the
2 specific version as 8.1.7.4.0, which was made available to Plaintiffs for inspection as
3 part of the Data Warehouse protocol
- 4 • PSDEV01_LV00\app\oracle\product\9.2.0\network\log\sqlnet.log, identifying the
5 specific version as 9.2.0.6.0, which was made available to Plaintiffs for inspection as
6 part of the Data Warehouse protocol
- 7 • DCPSTEMP01\E\oracle\ora92\network\log\sqlnet.log, identifying the specific
8 versions as 9.2.0.1.0 and 9.2.0.4.0, which were made available to Plaintiffs for
9 inspection as part of the Data Warehouse protocol
- 10 • DCPSTEMP02\D\oracle\ora102\NETWORK\log\sqlnet.log, identifying the specific
11 version as 10.2.0.1.0, which was made available to Plaintiffs for inspection as part of
12 the Data Warehouse protocol
- 13 • DCPSTEMP02\D\oracle\ora92\network\log\sqlnet.log, identifying the specific version
14 as 9.2.0.4.0, which was made available to Plaintiffs for inspection as part of the Data
15 Warehouse protocol
- 16 • PSDEV02[also known as PSIBMAIX1]
17 \d01\app\oracle\product\9.2.0\network\log\sqlnet.log, identifying the specific version
18 as 9.2.0.6.0, which was made available to Plaintiffs for inspection as part of the Data
19 Warehouse protocol
- 20 • PSDEV02[also known as PSIBMAIX1]
21 \d01\app\oracle\product\8.1.7\network\log\sqlnet.log, identifying the specific version
22 as 8.1.7.4.0, which was made available to Plaintiffs for inspection as part of the Data
23 Warehouse protocol
- 24 • DCSBLPROD03\C\oracle\9.2\network\log\sqlnet.log, identifying the specific version
25 as 9.2.0.4.0; *see* TN-OR04446713, TN(Hard Drive).73
- 26 • FSC2.1\DISK2-s001\C\oracle\network\log\sqlnet.log, identifying the specific version
27 as 9.2.0.4.0 as located on the virtual machine from TN-FS01_F\Siebel\Backups\FSC.2
28

1 (original and recollected image)(this and all VMs were or will be made available to
2 Plaintiffs for inspection as part of the Data Warehouse protocol)

- 3 • FSC2\DISK2-s001\C\oracle\network\log\sqlnet.log, identifying the specific version as
4 9.2.0.4.0 as located on the virtual machine from TN-FS01_F\Siebel\Backups\FSC2

5 (original and recollected image)(this and all VMs were or will be made available to
6 Plaintiffs for inspection as part of the Data Warehouse protocol)

- 7 • FSC.1\DISK2-s001\C\oracle\9.2\network\log\sqlnet.log, identifying the specific
8 version as 9.2.0.4.0 as located on the virtual machine from TN-

9 FS01_F\Siebel\Backups\FSC.1 (original and recollected image)(this and all VMs were
10 or will be made available to Plaintiffs for inspection as part of the Data Warehouse
11 protocol)

- 12 • FSC.2\DISK2-s001\C\oracle\9.2\network\log\sqlnet.log, identifying the specific
13 version as 9.2.0.4.0 as located on the virtual machine from TN-

14 FS01_F\Siebel\Backups\FSC.2 (original and recollected image)(this and all VMs were
15 or will be made available to Plaintiffs for inspection as part of the Data Warehouse
16 protocol)

17 For the following instances, TomorrowNow located a folder structure appearing to
18 correspond with an installed product, but because there is no corresponding sqlnet.log file
19 maintained in the network folder, TomorrowNow reasonably believe these specific installed
20 versions were not accessed by TomorrowNow employees as part of TomorrowNow's servicing of
21 its customers:

- 22 • PSDEV01_LV00\app\oracle\product\10.2.0\network\log which was made available to
23 Plaintiffs for inspection as part of the Data Warehouse protocol

- 24 • DCSBLPROD04\oracle\10g\NETWORK\log; *see* TN-OR04446714, TN(Hard
25 Drive).74

- 26 • FSCSALES\Windows Server 2003 Enterprise Edition-s001\C\oracle\9.2\network\log
27 as located on the virtual machine from TN-FS01_F\Siebel\Backups\FSCSALES
28

1 (original and recollected image)(this and all VMs were or will be made available to
2 Plaintiffs for inspection as part of the Data Warehouse protocol)

- 3 • FSCSALES.1\Windows Server 2003 Enterprise Edition-
4 s001\C\oracle\9.2\network\log as located on the virtual machine from TN-
5 FS01_F\Siebel\Backups\FSCSALES.1 (original and recollected image)(this and all
6 VMs were or will be made available to Plaintiffs for inspection as part of the Data
7 Warehouse protocol)
- 8 • FSCSALES.2\C\oracle\9.2\network\log as located on the virtual machine from TN-
9 FS01_F\Siebel\Backups\FSCSALES.2 (recollected image)(this and all VMs were or
10 will be made available to Plaintiffs for inspection as part of the Data Warehouse
11 protocol)
- 12 • StandardRegister\C\oracle\8.1\network as located on the virtual machine from TN-
13 FS01_F\Siebel\Backups\Standard Register (original and recollected image)(this and
14 all VMs were or will be made available to Plaintiffs for inspection as part of the Data
15 Warehouse protocol)
- 16 • StandardRegister\C\oracle\9.2\network\log as located on the virtual machine from
17 TN-FS01_F\Siebel\Backups\Standard Register (original and recollected image)(this
18 and all VMs were or will be made available to Plaintiffs for inspection as part of the
19 Data Warehouse protocol)
- 20 • StandardRegister.1\C\oracle\8.1\network as located on the virtual machine from TN-
21 FS01_F\Siebel\Backups\Standard Register.1 (original and recollected image)(this and
22 all VMs were or will be made available to Plaintiffs for inspection as part of the Data
23 Warehouse protocol)
- 24 • StandardRegister.1\C\oracle\9.2\network\log as located on the virtual machine from
25 TN-FS01_F\Siebel\Backups\Standard Register.1 (original and recollected image)(this
26 and all VMs were or will be made available to Plaintiffs for inspection as part of the
27 Data Warehouse protocol)

28

- 1 • StandardRegister.2\C\oracle\8.1\network\log as located on the virtual machine from
2 TN-FS01_F\Siebel\Backups\Standard Register.2 (original and recollected image)(this
3 and all VMs were or will be made available to Plaintiffs for inspection as part of the
4 Data Warehouse protocol)

5 Additionally, TomorrowNow located folder structures and sqlnet.log files maintained in
6 the network folders on TN-FS01_F, but TomorrowNow does not believe these versions were ever
7 installed and running on TN-FS01_F. Tomorrow reasonably believes that these specific versions
8 were likely installed on a previous server named TN-Dell 2650-01 and the files were later moved
9 to TN-FS01_F as follows:

- 10 • TN-FS01_F\C\DellRestore\D Drive\oracle\ora81\network\LOG\sqlnet.log, identifying
11 the specific version 8.1.7.4.0; *see* TN-OR06577705, TN(Hard Drive).94
12 • TN-FS01_F\C\DellRestore\D Drive\oracle\ora92\network\log\sqlnet.log, identifying the
13 specific version 9.2.0.4.0; *see* TN-OR06577705, TN(Hard Drive).94

14 TomorrowNow reasonably believes that the following folder paths contain materials that
15 were not running instances of an Oracle database platform or release, but that these materials
16 could be used to install a running instance of a specific version as follows:

- 17 • TN-FS01_F Slice5\TN Software Library\Oracle\AIX\Oracle 10g release 2; *see* TN-
18 OR07099078, TN(Hard Drive).104 (also made available for inspection as part of the
19 original image in the Data Warehouse)
20 • TN-FS01_F Slice5\TN Software Library\Oracle\AIX\Oracle 8i release 3 (8.1.7)
21 Enterprise Edition; *see* TN-OR07099078, TN(Hard Drive).104 (also made available for
22 inspection as part of the original image in the Data Warehouse)
23 • TN-FS01_F Slice5\TN Software Library\Oracle\AIX\Oracle 8i release 3 (8.1.7)
24 Enterprise Edition (64-bit); *see* TN-OR07099078, TN(Hard Drive).104 (also made
25 available for inspection as part of the original image in the Data Warehouse)
26 • TN-FS01_F Slice5\TN Software Library\Oracle\AIX\Oracle 9i release 2\Oracle 9i release
27 2 (9.2.0.1) Enterprise Edition; *see* TN-OR07099078, TN(Hard Drive).104 (also made
28 available for inspection as part of the original image in the Data Warehouse)

- 1 • TN-FS01_F Slice5\TN Software Library\Oracle\HP-UX\Oracle 8i release 3\Oracle 8i
2 release 3 (8.1.7) Enterprise Edition; *see* TN-OR07099078, TN(Hard Drive).104 (also
3 made available for inspection as part of the original image in the Data Warehouse)
- 4 • TN-FS01_F Slice5\TN Software Library\Oracle\HP-UX\Oracle 9i release 2\Oracle 9i
5 release 2 (9.2.0.1) Enterprise Edition; *see* TN-OR07099078, TN(Hard Drive).104 (also
6 made available for inspection as part of the original image in the Data Warehouse)
- 7 • TN-FS01_F Slice5\TN Software Library\Oracle\Solaris\Oracle 8i release 3\Oracle 8i
8 release 3 (8.1.7) Enterprise Edition; *see* TN-OR07099078, TN(Hard Drive).104 (also
9 made available for inspection as part of the original image in the Data Warehouse)
- 10 • TN-FS01_F Slice5\TN Software Library\Oracle\Solaris\Oracle 8i release 3\Oracle 8i
11 release 3 (8.1.7) Enterprise Edition (64-bit); *see* TN-OR07099078, TN(Hard Drive).104
12 (also made available for inspection as part of the original image in the Data Warehouse)
- 13 • TN-FS01_F Slice5\TN Software Library\Oracle\Solaris\Oracle 9i release 2\Oracle 9i
14 release 2 (9.2.0.1) Enterprise Edition (64-bit); *see* TN-OR07099078, TN(Hard Drive).104
15 (also made available for inspection as part of the original image in the Data Warehouse)
- 16 • TN-FS01_F Slice5\TN Software Library\Oracle\Tru64 Unix\Oracle8i Enterprise Edition
17 Release (8.1.7) for Compaq Tru64 UNIX; *see* TN-OR07099078, TN(Hard Drive).104
18 (also made available for inspection as part of the original image in the Data Warehouse)
- 19 • TN-FS01_F Slice5\TN Software Library\Oracle\Windows2000 or NT\Oracle 10g release
20 2; *see* TN-OR07099078, TN(Hard Drive).104 (also made available for inspection as part
21 of the original image in the Data Warehouse)
- 22 • TN-FS01_F Slice5\TN Software Library\Oracle\Windows2000 or NT\Oracle 8i release 3;
23 *see* TN-OR07099078, TN(Hard Drive).104 (also made available for inspection as part of
24 the original image in the Data Warehouse)
- 25 • TN-FS01_F Slice5\TN Software Library\Oracle\Windows2000 or NT\Oracle 9i release
26 2\Oracle 9i release 2 (9.2.0.1) Enterprise Edition; *see* TN-OR07099078, TN(Hard
27 Drive).104 (also made available for inspection as part of the original image in the Data
28 Warehouse)

1 TomorrowNow has not yet analyzed whether the database components referenced above
2 contain updates/patches and related support materials, or are simply the actual database
3 applications. As explained in Defendant TomorrowNow's Response to Plaintiff's Fifth Set of
4 Interrogatories to Defendant TomorrowNow, Inc. and Fourth Set to Defendants SAP AG and
5 SAP America, Inc. Interrogatory Nos. 122 and 124 referenced above, which are incorporated
6 here, TomorrowNow reasonably believes that no systematic or centralized records were
7 maintained regarding from whom or where these Oracle database components were obtained. To
8 the extent these are the actual database applications, it is likely that the initial instance of the
9 database release was obtained from the public Oracle Technology Network website. To the
10 extent any of these database components contain updates/patches or other support materials, these
11 support materials likely would have been obtained from the website metalink.oracle.com and
12 would be stored in the TN Software Library locations identified above. Additionally,
13 TomorrowNow is not currently aware of specific instances in which it applied patches or updates
14 to the initial instance of the database components referenced above.

15 Some of the overly broad and unduly burdensome information that this interrogatory
16 seeks is the subject of requested Rule 30(b)(6) deposition testimony and has already been the
17 subject of prior individual testimony. *See* September 30, 2009 Notice of Deposition of
18 TomorrowNow, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), Topic 1 ("The identification by release,
19 version, and/or filename of any Oracle Database Software in []TN's possession at any time or
20 which []TN obtained, Copied, or used for any purpose"), Topic 2 ("The identification of []TN's
21 computers, servers, or other hardware on which any Oracle Database Software ever resided"),
22 Topic 3 ("The manner, method, and purposes for which [] TN used any Oracle Database Software
23 which ever existed on its Systems"), Topic 4 ("The identification of any Customers for which
24 []TN used any Oracle Database Software on its Systems to provide support services"), Topic 5
25 ("The manner and method by which []TN used any Oracle Database Software on its Systems to
26 provide support services to Customers"), Topic 6 ("The original source of any Oracle Database
27 Software which ever existed on []TN's Systems and the manner or method by which []TN
28 acquired or accessed each such original source"); *see also* April 23, 2009 Deposition of George

1 Lester; September 3, 2009 Deposition of Shelley Nelson. Pursuant to Rule 33(d), Defendants rely
2 on all documents and files cited to further respond to this interrogatory.

3 **FIFTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

4 THIS SUPPLEMENTAL RESPONSE IS DESIGNATED AS CONFIDENTIAL
5 INFORMATION.

6 This supplemental response amends the following bullet points from the Second
7 Supplemental Response to Interrogatory No. 11:

- 8 • JDDEV03\D\Downloads\Peoplesoft - has been made available to Plaintiffs for
9 inspection as part of the Data Warehouse protocol and Defendants will continue to be
10 made available as part of the May 26, 2009 correspondence regarding the Data
11 Warehouse.
- 12 • JDDEV03\D\ESUhtm - has been made available to Plaintiffs for inspection as part of
13 the Data Warehouse protocol and Defendants will continue to be made available as
14 part of the May 26, 2009 correspondence regarding the Data Warehouse.

15 In addition, TomorrowNow further responds that TomorrowNow has provided further
16 deposition testimony that is responsive to the overly broad and unduly burdensome information
17 that this request seeks. *See, e.g.*, December 4, 2009 of Bill Thomas to Rule 30(b)(6); December 3
18 2009 of John Baugh.

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Dated: December 4, 2009

JONES DAY

By: /s/ Jason McDonell
Jason McDonell

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.