

**U.S. Department of Labor**

Office of Administrative Law Judges  
90 Seventh Street, Suite 4-800  
San Francisco, CA 94103-1516

(415) 625-2200  
(415) 625-2201 (FAX)



**Issue Date: 20 February 2019**

CASE NO.: 2017-OFC-00006

*In the Matter of*

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS,  
U.S. DEPARTMENT OF LABOR,  
Plaintiff,

v.

ORACLE AMERICA, INC.,  
Defendant.

**ORDER GRANTING TEMPORARY  
PROTECTIVE ORDER**

This matter arises under Executive Order 11246 (30 Fed.Reg. 12319), as amended, and associated regulations at 41 C.F.R. Chapter 60, and is set for hearing to begin on December 5, 2019.

On February 13, 2019, Oracle filed a Motion<sup>1</sup> that outlined a dispute between OFCCP and Oracle about a previously existing protective order. On May 26, 2017, Judge Larsen, who was the previously assigned judge in this matter, issued a Protective Order that modified the protective order that the parties had agreed to and requested. In its current Motion, Oracle seeks to have the previously issued Protective Order entered again, and, in the alternative, requests that a temporary order be entered requiring the parties to follow the May 26, 2017, Protective Order until the current dispute regarding a protective order is resolved.

OFCCP has not yet responded to Oracle's Motion. This matter was re-assigned to me due to an Appointments Clause issue, which calls the validity of the prior orders in this case into question. However, the parties originally agreed to a protective order and in a January 2019 teleconference in this case both parties indicated that they were willing to agree to the re-entry of Judge Larsen's protective order. Since that time, disputes have emerged over the meaning of that protective order and, perhaps, over whether the same protective order should be re-entered.

In the interests of preserving the status quo until the parties can resolve or more fully brief their disputes regarding a protective order, Oracle's request for a temporary protective order is

---

<sup>1</sup>Defendant Oracle America, Inc.'s Motion for Protective Order, or, in the alternative, for Order that Protective Order in Effect Pending Resolution of Issues Concerning Protective Order; Memorandum of Points and Authorities.

granted. The parties shall abide by the terms of the May 26, 2017, Protective Order issued by Judge Larsen until further order of this court.

The parties are also directed to meet and confer regarding any disputes they may have regarding a permanent protective order in this case and must file a joint status update by March 6, 2019. If the parties have resolved all of their disputes, the status update should include their proposed protective order. If the parties have not resolved their disputes, the parties should outline the areas of agreement and disagreement, as well as their respective positions. I will then order additional briefing as necessary.

SO ORDERED.

RICHARD M. CLARK  
Administrative Law Judge