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: 08 August 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 DENYING DEFENDANT ORACLE'S MOTION TO COMPEL PLAINTIFF OFCCP'S FURTHER RESPONSE TO REQUESTS FOR ADMISSION AND ORDER DIRECTING OFCCP TO STATE POSITION WITH RESPECT TO ORACLE MANAGERS

This matter arises under Executive Order 11246 (30 Fed. Reg. 12319), as amended, ("EO 11246") and associated regulations at 41 C.F.R. Chapter 60. It involves Plaintiff Office of Federal Contract Compliance Programs ("OFCCP") and Defendant Oracle America, Inc. ("Oracle") and has been pending at the Office of Administrative Law Judges ("OALJ") since January 17, 2017. Hearing is set to begin on December 5, 2019. On June 17, 2019, Oracle filed a Motion to Compel Plaintiff OFCCP's Further Response to Oracle America, Inc.'s Requests for Admission, Set One along with a supporting memorandum ("DM").[1] OFCCP filed an Opposition to this motion ("PO") on July 1, 2019.[2] On July 9, 2019, Oracle filed a permitted reply brief ("DR").[3]

For the reasons set forth below, Oracle's Motion to Compel Plaintiff OFCCP's Further Response to Oracle America, Inc.'s Requests for Admission, Set One is denied. OFCCP is ordered to state and clarify its position with respect to Oracle managers as directed below.

---

[1] The motion is supported by a declaration from Warrington Parker including seven exhibits ("DX 1-7"). DX 1 and 2 contain the discovery requests and responses. The remainder contain meet and confer correspondence.

[2] The Opposition is supported by a declaration from Susan Seletsky with three exhibits and a declaration from Jeremiah Miller ("MD") with two exhibits ("PX A-B"). The Seletsky declaration and exhibits relate to practice in the Wage and Hour division in sending letters and seeking protective orders. It is discussed in OFCCP's "Background" section. *See* PO at 2-3. The material covered has no relevance to the points at issue in this motion and will not be discussed further. The Miller declaration and PX A provides background on the letter to Oracle employees that triggered the events leading to this dispute. PX B contains deposition excerpts relating to Oracle's organization and compensation practices.

[3] The reply is supported by a declaration from Erin M. Connell with one exhibit ("DX A") relating to Oracle's compensation practices.

I. LEGAL STANDARD

This proceeding is governed by the "Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity under Executive Order 11246 contained in part 60-30." 41 C.F.R. § 60-1.26(b)(2). Where the regulations in 41 C.F.R. §§ 60-30.1 *et seq.* do not provide a rule, the Federal Rules of Civil Procedure apply. 41 C.F.R. § 60-30.1. Where a rule is needed and neither 41 C.F.R. Part 60-30.1 nor the Federal Rules supply one, the Rules of Practice and Procedure for Administrative Hearings Before OALJ in 29 C.F.R. Part 18, subpart A apply. *See* Pre-Hearing Order at 2 n.2.

The pending motion concerns requests for admission. 41 C.F.R. § 60-30.9(b) provides:

> Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

See also Fed. R. Civ. P. 36. If a party believes that an objection lacks merit or that the response is inadequate, it may "move for an order with respect to any objection or other failure to respond." 41 C.F.R. § 60-30.9(c); *see also* Fed R. Civ. P. 36 (a)(6).

II. BACKGROUND

In the Second Amended Complaint ("SAC"), OFCCP alleges that Oracle engages in "widespread" discrimination at its headquarters facility against "women, Asians, and African Americas or Blacks in compensation." SAC at ¶ 11. Based on the SAC and other filings, OFCCP is pursuing (or at least has pursued) disparate treatment and disparate impact theories of discrimination. On April 4, 2019, OFCCP sent a letter, signed by one of its attorneys, to various Oracle employees, including managers, whose contact information had been provided to OFCCP in an earlier phase of this litigation. The letter, generally, solicited informants and potential witnesses. It included, in bold type, the statement that "We want to assure you that you have not been accused of any wronging."

On April 29, 2019, Oracle propounded its first set of requests for admission ("RFAs") containing four requests:

1. Admit the PLAINTIFF does not accuse any ORACLE manager of any wrongdoing with respect to the claims asserted against ORACLE in the Second Amended Complaint.

2. Admit the PLAINTIFF does not accuse any ORACLE female manager of any wrongdoing with respect to the claims asserted against ORACLE in the Second Amended Complaint.
3. Admit the PLAINTIFF does not accuse any ORACLE Black manager of any wrongdoing with respect to the claims asserted against ORACLE in the Second Amended Complaint.
4. Admit the PLAINTIFF does not accuse any ORACLE Asian manager of any wrongdoing with respect to the claims asserted against ORACLE in the Second Amended Complaint.

See DX 1.

OFCCP responded on May 24, 2019. As to the first RFA, it replied:

> OFCCP objects that this request is vague and ambiguous with regard to the phrase "accuse any ORACLE manager" in relation to any acts by individual Oracle managers in that OFCCP is tasked with the enforcement of the Executive Order 11246 with regard to government contractors, namely Oracle America, Inc., and not any individual employee. OFCCP admits that it has not named any Oracle employees as a defendant in this matter. Except as expressly admitted, OFCCP denies.

The other responses were identical, except that they substituted "female manager," "Black manager," and "Asian manager," respectively. *See* DX 2.

Oracle found these responses insufficient and a meet and confer process followed. Oracle explained that "accuse…of any wrongdoing" followed the meaning of the letter OFCCP sent to Oracle employees. *See* DX 3. OFCCP maintained that its answers were complete. The parties had further exchanges, but no progress was made. *See* DX 4-7. The pending motion to compel followed.

Oracle asks that I "compel OFCCP to amend its responses to Oracle's RFAs 1 through 4 by withdrawing its vague and ambiguous objection and either admitting or denying the RFAs as stated." DM at 1. It contends that in responding to RFAs, a party must fairly respond to the subject matter and supply good faith qualifications of denials. *Id.* at 3-4. It argues that OFCCP's responses do not suffice because "[t]he words used cannot be ambiguous as OFCCP used those words." *Id.* at 4. Oracle deems the fact that managers have not been named as defendants irrelevant and not the subject of the request, accusing OFCCP of "reframing" the requests so that they were more to its liking. *Id.* It argues that OFCCP should be compelled to offer a proper non-evasive response that goes to the substance of the RFAs. *Id.*

OFCCP, by contrast, believes that it has fully answered the RFAs as propounded. PO at 2. It states that that its April 4, 2019, letter was sent to "current and former non-manager individual contributors and mangers for whom it had contact information (workers employed at Oracle's headquarters before January 2017) who were female employees in the Product Development, Support, or Information Technology job functions or Asian or Black employees in the Product Development job function." Only "protected class" members received the letter. *Id.* at 5; *see also* MD at ¶¶ 4, 7. The letter was not sent to white male managers, managers outside of the

headquarters, managers in the Human Resource job function, or any executives/board members. PO at 6-7; *see also* MD at ¶¶ 4, 7. It stresses that for this reason, Oracle's RFAs did not exactly track the statement in the April 4, 2019, letter. PO at 7.

OFCCP argues that Oracle's RFAs took statements out of context and broadened them to coerce a misleading admission. *Id.* at 7-8. It claims that in the letter it meant "accuse" and "wrongdoing" to mean that it was not bringing individual claims against the recipients, such that it responses here are accurate and complete. *Id.* at 8. Even if those terms are understood more broadly, OFCCP avers that they still must be understood in the context of the letter, encouraging "class" members to come forward and speak about their experience of discrimination at Oracle. OFCCP believes that it is important in that context to be clear that the individual is being approached as a victim, not perpetrator. *Id.* at 8-9. It represents that it did not intend to use the letter to procure admissions from managers that it could use against Oracle. *Id.* at 9 n.7. Finally, OFCCP contends that since only some of the managers received the letter, and it is accusing some other managers of wrongdoing, its response to the broadened question is appropriate. *Id.* at 10-11.

Oracle retorts that "OFCCP knows exactly what Oracle's RFAs mean," contending that the context was obvious and tracked the April 4, 2019, letter. DR at 1. It argues that OFCCP's position and behavior show that its responses were non-responsive in that they made a meritless objection and then responded to a different request. *Id.* at 1-2. It rejects the claim that it transformed OFCCP's words or took the statements in the letter out of context. *Id.* at 2. It argues that if OFCCP statement of the meaning is accepted, then OFCCP's objections were "frivolous." *Id.* at 2-3. But it contends that OFCCP's rendering is not viable because there is an obvious between being named as a defendant in a lawsuit and being accused of wrongdoing. *Id.* at 3 n.1.

Oracle maintains that the RFAs were clearly "designed to probe both the scope and the truthfulness of the *actual* statement OFCCP made in its notice to employees and managers." *Id.* at 3 (emphasis in original). It deems OFCCP's qualifications "irrelevant distractions" that do not justify failure to answer directly. *Id.* at 3-4. As to OFCCP's efforts to distinguish managers who received the letter and those who are accused of wrongdoing, Oracle argues that this is based on misstatements about how compensation works at Oracle and that regardless, OFCCP should be able to answer the RFAs as written. *Id.* at 4-6. It asks that I direct OFCCP to withdraw objection and admit or deny the RFAs "as stated." *Id.* at 6.

III. DISCUSSION

A. Requests for Admission

Admissions may be requested on "a broad range of matters, including ultimate facts, as well as applications of law to fact," though RFAs cannot be used to compel a conclusion of law. *Carney v. IRS*, 258 F.3d 415, 419 (5th Cir. 2001); *see also Quasius v. Schwan Food Co.*, 596 F.3d 947, 950 (8th Cir. 2010). Oracle's RFAs are simple. They are also proper. The "two vital purposes" of RFAs are "first to facilitate proof with respect to issues that cannot be eliminated from the case, and secondly, to narrow the issues by eliminating those that can be." Fed. R. Civ. P.326 Advisory Committee Note to the 1970 Amendment. Determining who OFCCP is and is not accusing of wrongdoing would helpfully define and narrow the issues for adjudication. If OFCCP were to admit one or more of the RFAs, this would provide Oracle with important information about what is and is not at issue in the case—that is, what sorts of theories of discrimination OFCCP is and is not pursuing.

That would serve a salutary purpose in advancing the litigation, better framing the disputes for hearing.

In responding to an RFA, a party may admit the matter in question, deny it, set forth the reasons why it cannot truthfully admit or deny the matter, or make an objection to the request. *See* Wright and Miller, 8 Fed. Prac. & Proc. Civ. § 2259 (3d ed.). OFCCP objected that the RFAs were "vague and ambiguous with regard to the phrase 'accuse any ORACLE manager' in relation to any acts by individual Oracle managers in that OFCCP is tasked with the enforcement of the Executive Order 11246 with regard to government contractors, namely [Oracle], and not any individual employee." DX 2. As initially stated, this makes little sense. OFCCP's mission doesn't restrict its ability to accuse individuals of wrongdoing—it has done so stridently in this case, both in respect to individuals at Oracle and Oracle's attorneys.

Despite its objection, OFCCP did respond: "OFCCP admits that it has not named any Oracle employees as a defendant in this matter. Except as expressly admitted, OFCCP denies." *Id.* This is a qualified admission in part and a qualified denial in part. "A denial of a matter on which an admission has been requested must fairly meet the substance of the requested admission. If good faith requires that a party qualify its answer or deny only part of the requested matter, it must specify so much of the request as is true and deny only the remainder." Wright and Miller, 8 Fed. Prac. & Proc. Civ. § 2260 (3d ed.). Oracle argues that OFCCP's responses are insufficient insofar as they improperly qualify the response and change the request. OFCCP disagrees. The question now is whether the responses provided are sufficient, or whether further response should be compelled.[4]

OFCCP gives three arguments for the sufficiency of its responses. The first two lack merit. Initially OFCCP contends that if the meaning of "accuse of wrongdoing" tracks what it meant in the April 4, 2019, letter, then it really means "name as a defendant," since *that* is what the letter actually meant. PO at 8. This is not credible. The fact that OFCCP saw the need in its initial responses (and now) to say more undermines its representations that "accuse of wrongdoing" always meant "name as a defendant." This point was discussed in a June 26, 2019, Order Regarding Communications with Oracle Employees. A reasonable person would not treat the two phrases as equivalents. Being accused of wrongdoing is broader. If OFCCP meant "named as a defendant" it would have said "named as a defendant." While ambiguities may often lead to shades of uncertainty and misunderstanding, the difference here is stark and there have not been any other indications in this case that OFCCP and its attorneys use words and phrases in an idiosyncratic and peculiar manner.

Context confirms that when OFCCP said "accuse of wrongdoing" it meant "accuse of wrongdoing" and was not speaking in code. If "accuse of wrongdoing" were actually code for "name as a defendant" then the statement had no place in the letter. All of the recipients already knew that they hadn't been named as a defendant. If the recipients were defendants, they would known about the case, not needed a letter soliciting participation. Defendants would have been participating already, and it would not have been a choice. Even if somehow the recipients did not

[4] The parties devote a significant amount of argument and submissions to factual questions about how Oracle's compensation system works and how pay decisions are made. *See* PO at 10-11; PX B; DR at 4-6, DX A. While eventually these sorts of questions may need to be answered, now is not that time. This is a discovery dispute focused on OFCCP's allegations and its statements to Oracle employees—and the possible contradiction between them. The issue turns on the substance of OFFCP's allegations against Oracle, *not* the merits of those accusations. So there is no need to consider or address the various claims and contentions related to how Oracle's pay system works.

know that they weren't defendants, they would have figured that out immediately when the letter named Oracle as the defendant and didn't include them individually. In OFCCP's retrospective reconstruction of its letter, the statement in question is entirely superfluous. In reality, it was put in bold type.

In prior briefing OFCCP laid out its purpose in making the statement—it wanted to encourage individuals to come forward to speak to OFCCP without fear that they would suffer adverse consequences. If this is what OFCCP was trying to do, it cannot have meant "named as a defendant." Because the recipients already knew that, the addition would not further encourage anyone to come forward. And presuming that it was not superfluous, the statement still would fail to encourage people to come forward. This is a case about discrimination. Discrimination is wrongdoing. Oracle acts through its managers. Accusing Oracle of discrimination *might* mean accusing some or all of its managers of discrimination—that's *how* Oracle might be discriminating. A manager accused of discriminating would be accused of wrongdoing. And even if not named as a defendant in this particular suit, that manager might suffer adverse consequences elsewhere—other suits sounding in discrimination, economic and career harms, and damaged reputation. To actually serve the purpose OFCCP stated for the letter, the statement had to have its straightforward, and broader, meaning.

In context, OFCCP's meaning was clear—it was telling the recipients of the letter that they had nothing to fear in talking to OFCCP because they were not being accused of wrongdoing and an adverse result for Oracle would not lead to adverse consequences for them personally. That's the natural meaning of the language OFCCP used, fits with the context of the letter, and tracks what OFCCP was trying to accomplish with the statement. Offering such assurances would be proper, if they were true. If they aren't true, then there are issues. It would be improper for a party or its lawyers to mislead potential witnesses to procure assistance. *Cf.* 29 C.F.R. § 18.22(d)(1). If that was done, either intentionally or not, some corrective action may be necessary. But OFCCP has maintained that this was not done—that its letter was not misleading in this way.

That leads back to the RFAs. OFCCP's second explanation is that the RFAs lacked proper context and so needed to be qualified. PO at 8-9. This argument fails as well. The context for the RFAs is amply provided by the letter. OFCCP's choice of language raised a legitimate question about what OFCCP was contending in this case—the theories of discrimination it was and was not pursuing. Even I, divorced from the day to day interactions between the parties, understood exactly what Oracle was getting at. OFCCP would have known the point as well, and its attempt to evade the issue by ignoring the context and then objecting that the RFAs lacked proper context is not credible.

Third, OFCCP argues that a denial is consistent with the letter because it is accusing *other* managers of wrongdoing. This argument has some merit. Oracle's RFAs were stated in categorical terms: it asked OFCCP to admit that it was not accusing *any* manager, *any* female manager, *any* Black manager, and *any* Asian manager of wrongdoing. *See* DX 1. So if OFCCP is accusing even *one* manager, female manger, Black manager, and Asian manager of wrongdoing, the response should be a denial. And the qualification should be that it is accusing particular managers of wrongdoing, but not managers generally. As clarified now, those managers who are accused of wrongdoing include groups described variously as "managers of Oracle's Human Resources job function", "Executive Vice Presidents," "Senior Executive Vice Presidents," "President," Officers," "CEOs," "Board Members," "[m]anagers and executives in Oracle's Human Resources and Oracle's top executives,"

"centralized decision-makers," "managers in Oracle's Humans [sic] Resources group," "the heads of the Product Development, Support, and Information Technology lines or business," and "high level Oracle executives," as well as a number of individually named managers." *See* PO at 6-7, 6 n.4, 10-11, 10 n. 11, 11, n. 12; MD at ¶ 4.

OFCCP is accusing these managers of wrongdoing, though none is named as a defendant. Since the groups apparently include female, Black, and Asian managers, OFCCP must deny each of the RFAs. *See* PO at 10-11. Oracle has two responses to this point. The first asserts that it is based on a factual inaccuracy about Oracle's compensation system. DR at 4-6. But as Oracle apparently recognizes, *id.* at 6, this is an issue for hearing, not determination in the context of a discovery dispute. Oracle's second response is one of frustration—it states that if this is OFCCP's position, "it can answer the RFAs without re-writing them." *Id.* But even if the frustration is understandable—it isn't clear why OFCCP just didn't say it was only accusing particular groups of managers of wrongdoing back in April or May—further relief is not justified. OFCCP has now explained its denial of each RFA and as explained, it is an unequivocal denial. This has come in the context of a brief that explains the discovery response, not the discovery response itself. Oracle maintains that it should be able to rely on discovery responses. *E.g.* DR at 1. There are important differences between a response to an RFA and a response made in a brief. *See* Fed. R. Civ. P. 36(b). But here the unequivocal response is a denial, not an admission. As such, requiring OFCCP to amend its response to re-state the point it has made in its opposition here would be an empty formality and would not advance the case. Oracle's motion to compel further response is therefore denied.

B. Need for Clarification

If this were just about response to RFAs, this would be the end of it. But the dispute involves somewhat more and the context cannot be ignored. The April 4, 2019, letter was sent to a large number of employees. Per OFCCP's representations, roughly a third of the recipients were managers. PO at 10 n.10; MD at ¶ 7. It assured these individuals that they were not being accused of wrongdoing. An unresolved issue since the letter was sent has been whether or not this statement was true.

The SAC alleges widespread discrimination, though it is not detailed about the particular legal theories OFCCP will pursue or its manner of proof. This is not improper. One function of discovery is to better define and refine theories and contentions. It has appeared that OFCCP is pursuing both disparate treatment and disparate impact theories. So, for instance, OFCCP could contend that Oracle has a culture of discrimination such that its managers, generally speaking, discriminate against female, Black, and Asian employees in setting compensation. Or it could claim that Oracle has a policy of giving unfettered discretion to its lower level managers generally in setting pay, and this policy has a disparate impact on female, Black, and Asian employees because some of those managers exercise that discretion in a discriminatory manner. Both of these general sorts of theories appears inconsistent with the statement in the April 4, 2019, letter because they implicate managers *generally* in discriminatory wrongdoing, including those managers who received the letter.

The responses to the RFAs as clarified in the briefing here shed some further light on the situation. OFCCP is accusing some managers of wrongdoing, specifically some of those who did not receive the letter. So on OFCCP's current line, it can deny the RFAs on this basis without

having to admit that the letter was misleading. But that still doesn't answer the underlying question and it doesn't assist in defining and narrowing the issues for adjudication.

If the letter is true, then OFCCP is not accusing any of the recipients of the letter of wrongdoing. At the least this would mean that OFCCP is not pursuing any theory in which "female managers in the Product Development, Support, or Information Technology job functions or Black or Asian managers in the Product Development job function who worked at Oracle's headquarters before January 2017" have engaged in wrongdoing. It also appears to mean that OFCCP is not accusing those managers regardless of time of employment or location. It could even mean that OFCCP is not accusing "managers in the Product Development, Support, or Information Technology job functions" generally (or at headquarters) of wrongdoing and that instead the case is narrowed to discriminatory acts of those groups of managers described in the Opposition here.

Each of these statements would assist, perhaps significantly, in defining and narrowing the issues for litigation because it would better specify the claims at issue. The trend of the Opposition here is that OFCCP is only accusing higher level managers or mangers in HR of wrongdoing and so is not pursuing any theory in which lower level managers in the Product Development, Support, or Information Technology job functions have engaged in wrongdoing by discriminating against employees in the specified "classes." But it remains somewhat unclear. While OFCCP provides a list, it has not given as an exhaustive list. Indeed, OFCCP never actually directly states here that it is not accusing managers in the protected class of wrongdoing or that is not accusing any recipients of the letter of wrongdoing. That remains unknown.

The letter created an issue because it contained a statement that appeared inconsistent with the claims OFCCP appeared to be making. That meant either 1) the letter was misleading; or 2) OFCCP's contentions were actually somewhat narrower or more refined. Determining which possibility was correct is important for this proceeding. If the letter was misleading, some corrective action may have been in order, and the sooner the better to both ameliorate any harms. If the letter was not misleading and OFCCP had more specifically defined its potential allegations, that was important to make plain so that the case could develop toward resolution in a more efficient fashion.

The difficulty now is that it is still unclear which of these options is true. The briefing here points to the second option insofar as it maintains a denial of the RFAs and a claim that the letter was not misleading on this point by seemingly restricting those accused of wrongdoing to some managers, and only those who did not receive the letter. But it stops short of making this commitment. And this explanation appears otherwise doubtful given the procedural history. If that is OFCCP's position, why wasn't it simply stated back in April or May? The question of whether or not the letter was misleading was litigated, resulting in the June 26, 2019, order. The position OFCCP seems to take now was not provided then. Instead OFCCP maintained that "wrongdoing" meant "named as a defendant." Only when that was rejected did OFCCP find a new explanation. But in offering the new explanation, OFCCP avoids making a real commitment about its position.

The current statements in respect of the April 4, 2019, letter are also non-committal in important ways. Mr. Miller declares that he "take[s] my ethical obligations under the relevant rules of professional conduct and court rules seriously in all matters I litigate on behalf of the Department of Labor." He maintains that "I do not sign my name to frivolous filings or statement [sic] I know to be untrue." MD at ¶ 2. Taking this as true, it still does not answer whether or not the statement in the letter was a *mis*statement—whether it was poorly drafted and misleading, but signed

nonetheless because Mr. Miller did not realize it was not true. People make mistakes. It would be understandable. But if there was a mistake, it needs to be acknowledged and corrected, not obscured by a series of evasions. At some point, OFCCP is going to have to take a firm position and present a case.

The regulations governing this proceeding expressly give the ALJ the power to "[r]equire parties to state their position with respect to the various issues in the proceeding." 41 C.F.R. § 60-30.15(b). Fact discovery is closed and at this juncture, it is necessary for OFCCP to plainly state its position in respect of an issue. It must state, without equivocation, which categories of Oracle managers it is accusing of wrongdoing and which categories of Oracle managers it is not accusing of wronging. Discrimination is wrongdoing. If a manager is engaging in discrimination, that manager is engaging in wrongdoing. Defining the categories of managers accused of wrongdoing will both 1) provide a clear indication of whether or not the relevant aspect of the April 4, 2019, letter was misleading; and 2) at least potentially narrow and better define the issues in this case in important ways. OFCCP's clarification must be filed within 14 days of this order.

ORDER

1. Defendant Oracle's Motion to Compel Plaintiff OFCCP's Further Response to Oracle America, Inc.'s Requests for Admission, Set One is denied

2. Plaintiff OFCCP is ordered to state its positions with respect to which categories of Oracle managers it is and is not accusing of wrongdoing. The response must be filed within 14 days of this order.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge