

**U.S. Department of Labor**

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**Issue Date: 21 January 2020**

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 EXTENSION OF TIME ON BRIEFING SCHEDULE**  
**RE: SEALING HEARING EXHIBITS**

This matter arises under Executive Order 11246 (30 Fed. Reg. 12319), as amended 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”). Hearing was held between December 5, 2019, and December 17, 2019. On December 4, 2019, I issued an Order Regarding Motions to Seal and Hearing Confidentiality that provided some guidance regarding the parties’ disputes about sealing submissions to this agency, to include the hearing exhibits. That order also provided a briefing schedule for motions to seal. On January 7, 2020, I granted the parties’ request to modify the schedule such that the second joint status report was due on January 17, 2020, the motions to seal and oppositions would be due on January 24, 2020, and the reply briefs would be due on January 31, 2020.

The parties filed a joint status report as ordered on January 17, 2020. They indicate that they have made some progress, but that disputes remain about a number of hearing exhibits. The parties represent that they believe that additional time to meet and confer and discern what was already publically disclosed at the hearing will allow further progress to be made. They ask for a second extension of time on the briefing schedule such that motions and oppositions would be due on February 6, 2020, and reply briefs would be due on February 13, 2020.

Though I am somewhat reluctant to further draw out the process, I find that given the amount of progress, and the number of disputes remaining, an extension will likely facilitate the narrowing and defining of the parties’ disputes about confidentiality. I will therefore grant the requested extension, with one modification. The briefing schedule made motions and oppositions due on the same day because the required status reports will have already framed which exhibits are at issue and the meet and confer process will have defined what exactly is in dispute. The status reports also provide a basic statement of which exhibits are subject to agreement and which exhibits

are still at issue. Since the parties will be continuing to meet and confer, it is appropriate to include another status report prior to the briefing.

The joint request for an extension of time to the briefing schedule is granted. The parties are ordered to provide a joint status update on February 5, 2020, along the same lines as prior status reports. It should begin with the exhibits in the third category from the January 17, 2020, status report—the exhibits still in dispute—and divide them into three categories: 1) exhibits that the parties agree can be made publically available without redactions; 2) exhibits that the parties agree warrant redactions prior to public disclosure and for which they agree on the appropriate redactions; and 3) exhibits still in dispute. For the exhibits in the second category, the parties should again provide a thumb drive containing electronic copies of the agreed redactions. As for the third category, motions to seal and oppositions are due on February 6, 2020. The parties may file simultaneous reply briefs on February 13, 2020. The briefing requirements as to length, content, and attachments set out in the December 4, 2019, order remain in force.

SO ORDERED.

RICHARD M. CLARK  
Administrative Law Judge