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Issue Date: 06 May 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 ON RECONSIDERATION OF OMNIBUS ORDER ON MOTIONS TO SEAL

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” or “Plaintiff”) and Defendant Oracle America, Inc. (“Oracle” or “Defendant”) and has been pending at the Office of Administrative Law Judges (“OALJ”) since January 17, 2017. Hearing was held between December 5, 2019, and December 17, 2019. On April 20, 2020, I issued an Omnibus Order on Motions to Seal (“Omnibus Order” or “OOMS”) that adjudicated seven pending motions to seal related to various pre-hearing filings and the hearing exhibits.

This order considers a filing that was not addressed in the Omnibus Order due to an error in the electronic filing protocol put into place during the COVID-19 pandemic. I treat the filing as a motion for reconsideration. The motion for reconsideration is granted and the Omnibus Order is amended to partially seal DX 40 consistent with the parties’ proposed redactions. Oracle’s motion for a provisional order sealing the documents or a stay is denied, except that transmission of the documents addressed in the Omnibus Order to the FOIA disclosure officer will be deferred for 14 days.

I. BACKGROUND

The background to the various motions to seal is outlined in the Omnibus Order. *See* OOMS at 1-6. That background, as well as the discussion of the legal standard, *id.* at 6-9, is incorporated herein. This order concerns a very narrow portion of the Omnibus Order. One of the seven motions to seal concerned the hearing exhibits. Oracle sought to seal all or part of 632 of the exhibits submitted. Through post-hearing meeting and conferring, OFCCP and Oracle reached

agreement on the various redactions. *See id.* 10-12; *id.* at Attachment A. Five of the exhibits in question—JX 15, JX 23, PX 46, DX 17, and DX 40—contained “Aggregate Employee Demographic Information” that Oracle sought to seal. This information involved the demographic composition of Oracle’s workforce that was not connected to individual employees, but presented in the aggregate, most often in reference to the headquarters facility as a whole. Oracle sought to seal this material pursuant to Freedom of Information Act (“FOIA”) Exemption 4.

Though OFCCP had agreed to the proposed redactions, I was concerned about a recent decision in a FOIA suit from United States District Court for the Northern District of California that involved seemingly similar information from Oracle and other companies. In that case, the court determined that the sort of aggregated demographic data produced on an EEO-1 Type 2 survey could not be withheld under Exemption 4. *See Center for Investigative Reporting v. United States DOL [CIR v. DOL]*, No. 4:19-cv-01843-KAW, 2019 U.S. Dist. LEXIS 213793, 2019 WL 6716352 (N.D. Cal. Dec. 10, 2019). In a March 17, 2020, order, I directed Oracle to file further briefing on the issues raised by *CIR v. DOL* and permitted OFCCP to file a responsive brief as well. After an adjustment due to the suspension of deadlines as a result of the COVID-19 pandemic, Oracle was ordered to file its response by April 3, 2020. No responsive brief from Oracle (or OFCCP) was docketed, so the Omnibus Order proceeded to consider the issues without the benefit of briefing. *See OOMS* at 6.

The Omnibus Order was issued on April 20, 2020. Later that day, Oracle’s counsel contacted my office to report that Oracle had indeed filed a response to the March 17, 2020, order for additional briefing on April 3, 2020, as directed. During the COVID-19 pandemic, OALJ has quickly transitioned to an electronic filing system whereby parties email filings to designated email addresses for each district office. Oracle’s counsel produced a sent email showing that it had dispatched the responsive brief to the account for the San Francisco District Office on April 3, 2020. My staff has been unable to locate this email as received, and it appears that the size of the email resulted in a failure of delivery. It is not clear whether any error message was sent to inform Oracle of the failed delivery, but it is clear that Oracle was not aware that the email had not been received. In any case, the Omnibus Order is incorrect in stating that Oracle declined to make a response to the March 17, 2020 order—Oracle did make a response, that response was just not docketed and presented for consideration when the Omnibus Order was issued.

My staff subsequently procured the April 3, 2020, filing, and docketed it on April 21, 2020.¹ *See* 29 C.F.R. § 18.30(b)(2). Oracle submitted an Additional Memorandum of Points and Authorities in Support of Oracle America, Inc.’s Omnibus Motion to Seal Hearing Exhibits (“OAM”) addressing the points raised in the March 17, 2020, order. The brief is supported by a Declaration of Victoria Thrasher (“OAM VTD”) with four attached exhibits² and a Declaration of James E. Stanley (“OAM JSD”) attaching one exhibit (“OAM JSD Ex. A”). In addition to addressing the issues from the March 17, 2020, order, Oracle includes a request that any adverse decision be stayed pending appeal, and/or that the material be in some manner “provisionally sealed” as requested by Oracle. OAM at 12.

The Omnibus Order described the five exhibits at issue as follows:

¹ Though the filing was docketed on April 21, 2020, I do not consider the filing late. Oracle attempted to make electronic filing as directed, but due to some breakdown in OALJ’s filing system, the filing was not received.

² These exhibits contain the redacted versions of the four exhibits that Oracle continues to seek to have partially sealed.

DX 40 contains a portion of Oracle's 2012-14 EEO-1 forms, which provides a listing of the number of employees in broad "job categories" who fit into various demographic groups. The job categories are not Oracle's—they are imposed by the form and do not reflect the way Oracle has organized its workforce. The document contains no compensation information. It contains no individual information. The exhibit also includes a similar VETS100A for those three years in question, which provides aggregate data on the employment of veterans. It also contains some analysis of recruitment progress. The proposed redactions obscure all of the aggregate data in each set of forms/charts. JX 15 and PX 46 contain Oracle's January 2014 Affirmative Action Plan. Oracle seeks to redact the aggregated analyses, i.e., the distribution of various demographic groups into job categories. JX 23 contains a similar job group analysis providing aggregate snapshots of Oracle's workforce, which Oracle again seeks to redact. In DX 17 most of the redactions are in the original, but Oracle proposes adding redactions that would obscure aggregate demographic data.

OOMS at 23. *CIR v. DOL* involved a FOIA request for EEO-1 Type 2 surveys possessed by OFCCP for a number of companies, including Oracle. I was concerned that 1) some of the information here might already be (or soon to be) public; and 2) the reasoning in *CIR v. DOL* would lead to the same result as to the seemingly similar information here, in which case the redactions should not be approved. *Id.* at 23-24.

Without the benefit of briefing, the Omnibus Order determined that the information in these documents qualified as "commercial or financial" in the meaning of FOIA, prompting the question of whether that information was "privileged or confidential" in the meaning of FOIA. *Id.* at 25-26. It determined that the information presented in three of the exhibits in question—JX 15, JX 23, and PX 46—met this standard. Those exhibits contained a much more fine-grained demographic analysis of Oracle's workforce than that found in an EEO-1 and, importantly, used Oracle's job categories rather than the generic categories found on an EEO-1. *Id.* at 26. On the other hand, the Omnibus Order found that the redaction in DX 17 could not be sustained, since it involved only a very broad demographic breakdown by percentage for Oracle's headquarters. *Id.*

The information in DX 40 required more careful consideration. Some of the redactions—on pages 8-9 and 11-12—involved Oracle's analysis of its compliance efforts and used Oracle's categories. The Omnibus Order found that this information was properly sealed and so approved the redactions. *Id.* at 27. The other requested redactions—on pages 2-7—involved Oracle's EEO-1 Type 3 and VETS-100A surveys for its headquarters facility. This was most similar in kind to the information at issue in *CIR v. DOL*, and the Omnibus Order found that this high level aggregate data using generic categories that were not Oracle's was not confidential in a manner that could justify a sealing the portion of the exhibit as submitted for a decision on the merits, or withheld pursuant to FOIA Exemption 4. *Id.* at 26-27.

II. DISCUSSION

Oracle dispatched a brief responding to the March 17, 2020, order, but due to a filing breakdown, it was not received and reviewed until after the Omnibus Order was issued. In the present procedural context, I construe the filing as a motion for reconsideration. That motion is

granted, and I proceed to consider the arguments and supporting materials provided by Oracle in response to the March 17, 2020, order and reconsider the pertinent findings in the Omnibus Order.

A. Oracle's Areas of Agreement and Disagreement with the Omnibus Order

Oracle asserts that the information contained in the five exhibits at issue has not been publically disclosed and that *CIR v. DOL* “pertains to a different set of documents containing different information.” OAM at 1; *see also id.* at 2-3; OAM VTD at ¶ 5. However, Oracle withdraws its request to redact portions of DX 17. OAM at 1 n.1. As to the four other exhibits—JX 15, JX 23, PX 46, and DX 40—Oracle maintains that the material in question is commercial in nature and confidential, and so should be sealed as exempt from disclosure under FOIA Exemption 4. As to JX 15, JX 23, and PX 46, Oracle contends that the material is different from the non-confidential material in *CIR v. DOL* because the exhibits here use Oracle’s particular job titles and contain information related to salary. Oracle notes that the underlying documents in JX 15 and PX 46 have already been subject to a sealing order in this case. In reference to all of the exhibits, Oracle asserts that the material here is headquarters specific, which distinguishes it from the information in *CIR v. DOL* and makes it confidential. OAM at 1-2. As to JX 15, JX 23, and PX 46, Oracle also asserts that disclosure would be an unwarranted invasion of personal privacy because some of the categories used are so small that individual identification would be possible. OAM at 2.

The bulk of Oracle’s argument and supporting material is directed at the proposed redactions in JX 16, JX 23, and PX 46. *See* OAM at 6-12. The Omnibus Order, however, came to the conclusion that Oracle advocates as to those three documents and partially sealed the exhibits in line with the parties’ agreement and Oracle’s motion. OOMS at 26, 31-32. The Omnibus Order declined to seal DX 17, *id.* at 26, 32, but Oracle conceded that the information should be released. That leaves only DX 40. Oracle proposed redactions on pages 2-9 and 11-12. The Omnibus Order partially sealed the exhibits, approving the redactions on pages 8-9 and 11-12. It declined to adopt the redactions on pages 2-7. *Id.* at 26-27, 32. This is the only instance where the result in the Omnibus Order differs from the position Oracle took in its supplemental filing, and the discussion here is limited to those pages and Oracle’s arguments for partially sealing them.

B. Proposed Redactions of EEO-1 Type 3 and VETS-100A Forms in DX 40

OALJ is an administrative agency and its records are subject to disclosure under FOIA. *See* 5 U.S.C. § 522. Under FOIA, agencies may withhold records subject to nine statutory exceptions. 5 U.S.C. § 552(b)(1)-(9). Accordingly, a record at OALJ should not be sealed “unless the record qualifies for an exemption to such disclosure.” *Jordan v. Sprint Nextel Corp.*, ARB No. 06-105, ALJ No. 2006-SOX-041, slip op. at 12 (ARB June 19, 2008). Only one exemption is at issue now, Exemption 4.³ Exemption 4 applies to “trade secrets and commercial or financial information obtained from a person and privileged and confidential.” 5 U.S.C. § 552(b)(4). The material in question is not a trade secret, and Oracle does not argue otherwise.⁴ In FOIA, “commercial” and

³ Oracle also invoked Exemption 6, but only as to the documents that the Omnibus Order already sealed as requested. *See* OAM at 2, 11.

⁴ A “trade secret” in this context is “a secret, commercially valuable plan, formula, process, or device that is used for making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983).

“financial” are given their ordinary meanings, and although not every piece of information from a business will qualify as commercial or financial, information meets this standard when the submitting entity has “a commercial interested in the requested information.” *Public Citizen Health Research Grp. v. Food & Drug Admin.*, 704 F.2d 1280, 1290 (D. C. Cir. 1983); *see also Baker & Hostetler LLP v. United States DOC*, 473 F.3d 312, 319 (D.C. Cir. 2006). The Omnibus Order agreed with Oracle that DX 40 contains commercial information. It determined, however, that some of the proposed redactions in the exhibit were not of privileged or confidential information.

FOIA does not define “confidential,” so it is interpreted in line with its “‘ordinary, contemporary, common meaning’” when Congress enacted FOIA in 1966.” *Food Mktg. Inst. v. Argus Leader Media*, ___ U.S. ___, 139 S. Ct. 2356, 2362 (2019) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)). Confidentiality points to two considerations: 1) “information communicated to another remains confidential whenever it is customarily kept private, or at least closely held, by the person imparting it”; and 2) “information might be considered confidential only if the party receiving it provides some assurance that it will remain secret.” *Id.* at 2363. The first condition must be satisfied, and if the second condition is also satisfied, the information is confidential in the meaning of FOIA, though there may be other instances in which information is confidential absent an assurance of confidentiality from the entity receiving the information. *Id.*

Oracle maintains that both of the conditions identified in *Argus Leader* are satisfied. It asserts that it keeps the information in question confidential and received assurances of confidentiality when it first submitted the information to the government and when it produced the information to OFCCP under the cover of the protective order in this case. OAM at 8; *see also* OAM VTD at ¶¶ 4-5, 8, 17; OAM JSD at ¶ 2. I accept that Oracle has kept the information at issue in DX 40 confidential. But Oracle is confused about the assurances of confidentiality provided. EEO-1 surveys receive an assurance of confidentiality when provided to the EEOC, though this statutory assurance does not apply to OFCCP. *See* 42 U.S.C. § 2000e-8(e); *Sears, Roebuck & Co. v. General Services Admin.*, 509 F.2d 527, 529 (D.C. Cir. 1974). There was a protective order in this case, which could function to provide assurances of confidentiality when Oracle provided the information to OFCCP in discovery. But that is irrelevant now. This is *Defendant’s Exhibit 40*, an exhibit Oracle chose to submit at hearing. The relevant submission to the agency is the one that occurred at hearing, not prior exchanges. And no assurances of confidentiality were provided to Oracle when it submitted DX 40. To the contrary, Oracle has been repeatedly advised that hearings at OALJ are open to the public.

This does not mean that DX 40 is not confidential. Oracle filed a timely motion to seal as to DX 40, and so is *seeking* an assurance of confidentiality for the submission. I must decide now, under applicable legal standards, whether such an assurance is proper. It may be, but Oracle cannot manufacture an assurance of confidentiality out of different submissions to different agencies or from its desire to have OALJ keep the material confidential. There is a “general right to inspect and copy public records and documents, including judicial records and documents,” but it “is not absolute.” Among other limits, records may be properly sealed from access where they are “sources of business information that might harm a litigant’s competitive standing.”⁵ *Nixon v. Warner*

⁵ Hence, the consideration of competitive harm or how disclosure of information might impact Oracle’s business operations both here and in the omnibus order is *not* an application of pre-*Argus Leader* FOIA case law. Post-*Argus Leader*, the determination of confidentiality looks, in part, to the circumstances under which the agency came to possess the document or information. OALJ is somewhat peculiar in this regard, since it comes to possess documents when

Comm's, 435 U.S. 589, 597-98 (1978). Courts start with a “strong presumption” in favor of access, but will seal information when there are “compelling reasons” that are “sufficient to outweigh the public’s interests in disclosure.” *Demaree v. Pederson*, 887 F.3d 870, 884 (9th Cir. 2018); *see also Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

The only contested information is the demographic breakdown on six pages of DX 40 containing Oracles EEO-1 Type 3 surveys from 2012 to 2014, as well as the similar VETS-100A surveys from those years. Oracle acknowledges that the EEO-1 Type 2 surveys, which provide information for the company as a whole, were at issue in *CIR v. DOL* and will be made public.⁶ But it maintains that the surveys here are different because both sets of surveys pertain to Oracle’s headquarters facility, rather than the company as a whole. OAM at 2-4; *see also* OAM VTD at ¶ 5; OAM JSD Ex. A (fact sheet regarding different EEO-1 surveys). In Oracle’s view, this makes a significant difference: “[w]ere this type of information not protected, Oracle’s competitors would have access to information by Oracle location and could determine what locations Oracle is prioritizing, the type of hires by each location, and the category of hires over time providing insight into what Oracle is seeking to accomplish commercially.” OAM at 1.

A prominent part of Oracle’s DX 40 argument is the worry that if its headquarters information is divulged, competitors or FOIA requesters may seek other types of EEO-1 Type 4 surveys for other locations, which would provide more detailed information about the composition and location of its workforce. Oracle maintains that site-specific location would reveal its “business strategies and priorities,” which would allow its competitors “to grow and restructure with the aid of this data [] without incurring any of the costs that Oracle bore in developing such practices.” OAM at 6-7. And it argues that the information in DX 40 is different from the information in an EEO-1 Type 2 survey because it is headquarters specific. *Id.* at 11. It avers that if headquarters specific information is released, competitors will gain insight into its “strategies and priorities,” which will harm its ability to compete in the marketplace. *Id.* at 11-12.

This argument is supported by the Declaration of Victoria Thrasher, which states, in the relevant part, that

Oracle annually files various EEO-1 Reports as part of its federal reporting obligations. Oracle’s EEO-1 Headquarters Reports (Type 3) (“EEO-1 Reports”) provide data on the exact number of employees Oracle employs at its Headquarters in Redwood Shores (“HQCA”). In addition, the EEO-1 Reports provide a detailed accounting of the total number of employees that fall within ten enumerated job categories, as well as sub-totals by race and gender. Therefore, the EEO-1 Reports

they are submitted in a filing or at hearing and there is already a presumption of public access in play—OALJ has a *default* of disclosure because all submitting parties are informed that OALJ conducts hearings open to the public. That can change, when a document is sealed. To determine whether or not a document ought to be sealed, I have looked to case law on motions to seal generally, which leads back towards considerations like competitive harm as justification to change the default of public access to documents submitted in an adjudication.

⁶ Oracle later makes a brief argument that could be understood to contest the result as to confidentiality in *CIR v. DOL*, complaining that the reasoning there drew on the prior publication of an EEO-1 Type 2 survey by one of the other companies at issue in the case. Oracle maintains that it keeps the information at issue confidential. OAM at 8-9. Whatever merits this point may have had in *CIR v. DOL*, it misses the mark here. Oracle acknowledges that as a result of the decision in *CIR v. DOL*, some of its EEO-1 Type 2 reports *will* be released to the public. To prevail here, it needs to draw an important difference between the now-public Type 2 surveys and the Type 3 surveys at issue.

identify the size, structure, and overall composition of Oracle's workforce at its Headquarters in Redwood Shores. If the EEO-1 Reports are publicly disclosed, it is likely that similar reports for Oracle's locations with more than 50 employees (Type 4 Reports) will also be sought in separate FOIA litigation. The disclosure of this site specific data would reveal nearly the entire composition of Oracle's U.S. workforce down to the number of people working in each job category at every location.

OAM VTD at ¶ 6(a)(i). Ms. Thrasher makes the same statements as to the VETS-100A survey. *Id.* at ¶ 6(a)(ii).

I accept, based on the Thrasher declaration that Oracle keeps the information at issue on pages 2-7 of DX 40 confidential, including the division of its headquarters employees among the various job categories on the EEO-1 Type 3 and VETS-100A surveys, and the requested demographic head counts provided on those surveys. The supplemental filings also establish that the information in question is different from the soon to be public information in *CIR v. DOL*. The Omnibus Order declined to seal this information because Oracle had not presented a compelling reason to find that the information was confidential and would adversely impact its commercial interests. Since I had not received Oracle's supplemental brief at that time, I found that Oracle had not met its burden. OOMS at 26-27. The question now is whether the supplemental brief and submissions alter that assessment.

The information in question in DX 40 is different from the information in JX 15, JX 23, and PX 46. That information used Oracle's categories and presented a fine-grained analysis of its structure. DX 40 pp. 2-7 uses 10 generic categories like 'Professionals' and involve the headquarters facility as a whole. Oracle's argument acknowledges that the EEO-1 Type 2 surveys for the entire company are not confidential, or will not be post *CIR v. DOL*. But Oracle's arguments and the Thrasher declaration provide a meaningful distinction between the Type 2 surveys and the Type 3 surveys, and similar VETS-100A surveys at issue here in that they relate to the headquarters facility alone and thus provide more information about Oracle's structure and strategic organization.

Although a different result might follow on a different record, here Oracle has provided enough information to justify sealing this material in particular and shielding the breakdown of its headquarters employees. The Thrasher declaration provides support for that conclusion, and I have not been given any countervailing information or argument on the point that would undermine the claims of confidentiality and competitive harm made by Oracle and attested to by Ms. Thrasher. I am also mindful that OFCCP agreed to these specific redactions, and did so after a long process of adversarial, arms-length negotiation. I will thus defer to the evidence presented and the agreement of the parties, and seal the requested portions of DX 40. The Omnibus Order is thus modified such that, consistent with the parties agreement, DX 40 is sealed in part, with the proposed redacted submitted by the parties replacing the unredacted exhibit in the public file.

C. Clarification of a Clerical Mistake in the Omnibus Order

In reviewing the Omnibus Order, I have discovered a scrivener's error in order 2(b) of Section III.A.5. In the Omnibus Order, PX 52 is listed as sealed in part consistent with the redactions submitted by the parties. This is incorrect. PX 53, not PX 52, is sealed in part consistent

with the redactions proposed by the parties, and the redacted copy of PX 53 shall replace the exhibit in the public file.

D. Oracle's Motion to Provisional Seal the Material and/or Stay the Omnibus Order

In the event that its positions are not adopted, Oracle requests that the information in dispute be provisionally sealed or that disclosure be stayed. OAM at 12. In a sense, this request is moot, since Oracle's supplemental brief focused on the five exhibits at issue in the March 17, 2020, order, and given the findings above, Oracle's proposed redactions are being accepted in the four exhibits that it continued to assert that redactions were appropriate. However, Oracle's motions to seal were not granted in full in other respects and this request from the supplemental briefing applies with equal force to the other exhibits (JX 103, JX 104, JX 149, and DX 113) and other documents where the Omnibus Order approved slightly reduced redactions than those advocated by Oracle.

The request to provisionally seal the documents in question or to stay the order on an indefinite basis is denied. It is time for this process to come to an end and Oracle provides no argument to support its request. I appreciate Oracle's desire to obtain some review prior to publication, but provisionally sealing the documents or staying the order indefinitely is not necessary for that purpose. In most cases, access to documents in the case file would be via a FOIA request, and in processing that request for material that Oracle claimed was exempt from disclosure under Exemption 4, the agency would follow a process to hear objections and make determinations. *See* 29 C.F.R. § 70.26. This case is slightly different because on July 28, 2017, the Chief Administrative Law Judge issued "Administrative Notice of Proactive Disclosure of Frequently Requested Records Under the Freedom of Information Act."⁷ Hence, posting is occurring prior to a FOIA request. Though the proactive posting process has proceeded through the filing process in this adjudication, the two processes are conceptually distinct. One involves an ALJ's adjudication of a case; the other involves a federal agency's obligations under FOIA. The latter process is being conducted through the FOIA Disclosure Officer at OALJ Headquarters. My role is to decide the motions presented, and then transmitting the filings and orders to the FOIA Disclosure Officer for further processing.

In order to give Oracle an opportunity to consider its next steps, I will direct my staff to wait 14 days from the date of this order and then transmit to the FOIA Disclosure Officer in OALJ's headquarters 1) the proposed redactions submitted by Oracle; 2) the redactions approved in the Omnibus Order; and 3) a copy of the Omnibus Order and this order. The adjudication of confidentiality issues in this proceeding, however, is concluded.

ORDER

1. What I treat as Oracle's motion for reconsideration of the Omnibus Order is granted.
2. The Omnibus Order is amended such that DX 40 is sealed in part, consistent with the parties' agreement, with the proposed redacted exhibit submitted by the parties replacing the unredacted exhibit in the public file. The Omnibus Order is otherwise unchanged.

⁷ *See In re Administrative Notice of Proactive Disclosure of Frequently Requested Records Under the Freedom of Information Act*, ALJ No. 2017-MIS-00006 (Henley, C.J. July 28, 2017).

3. The Omnibus Order is clarified to reflect that PX 53, not PX 52, is partially sealed, consistent with the redactions proposed by the parties.
4. Oracle's request for a provisional order sealing the exhibits in conformance to its proposals or to stay the Omnibus Order and posting of the documents is denied.
5. Fourteen days after the date of this order, my office will transmit Oracle's proposed redactions, the redactions as approved in the Omnibus Order, and copies of this order and the Omnibus Order to the FOIA Disclosure Officer in OALJ's Headquarters.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge