

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 September 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 ALLOWING FURTHER BRIEFING

Currently pending is Plaintiff OFCCP's Motion to Compel Oracle's Compensation Analyses, which Oracle opposes based on claims of privilege. On August 14, 2019, I ordered Oracle to file a more detailed privilege log within 14 days. I specified that further briefing was not permitted with the log. On August 28, 2019, Oracle filed an 81 page privilege log. On August 29, 2019, OFCCP filed a motion asking to be allowed to submit a "short brief" addressing issues raised by the privilege log that it believed could not have been addressed in the prior briefing. Oracle has not responded, but based on the declaration filed with OFCCP's motion, opposes additional briefing.

The prior order specified that no further briefing would be allowed with the privilege log, but OFCCP claims that new issues have arisen as a result of the privilege log. It is OFCCP's motion to compel that is pending, so the delays occasioned by additional briefing imposes burdens on OFCCP rather than Oracle. I will therefore allow a short brief, limited to no more than five pages. The brief must be filed by close of business on September 6, 2019. The brief is limited to new issues raised by the privilege log. Oracle is permitted to file a reply brief limited to the issues raised by OFCCP. This brief is limited to no more than five pages and must be filed by close of business on September 11, 2019.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge