

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No.: 2017-OFC-00004

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JAN 24 2017

Office of Administrative Law Judges  
San Francisco, Ca

**MOTION TO REMOVE THE ADMINISTRATIVE  
COMPLAINT FROM THE EXPEDITED HEARING PROCEDURES  
OR, IN THE ALTERNATIVE, GRANT LIMITED DISCOVERY**

Defendant Google Inc. ("Google"), by and through its undersigned counsel and pursuant to 41 C.F.R. § 60-30.2, hereby requests that the Administrative Complaint filed in the above-captioned action by Plaintiff, Office of Federal Contract Compliance Programs ("OFCCP"), be removed from the expedited hearing procedures of 41 C.F.R. §§ 60-30.31 - 30.37.

The central dispute in this matter involves whether OFCCP has adhered to its own regulatory standards and Fourth Amendment requirements when it demanded information and data beyond the scope of the current compliance review and which is of questionable relevance and reasonableness. Resolution of this dispute requires a sufficiently developed factual record. The expedited hearing procedures, which preclude basic forms of discovery, are therefore uniquely ill-suited to this matter. Indeed, the central dispute involves requests for access to data and information. Specifically, OFCCP has requested detailed compensation data from Google, and Google repeatedly has sought an explanation of the basis for OFCCP's requests for such data so

that it could assess whether the explanation comports with OFCCP regulations and Fourth Amendment standards.

Based on the foregoing, Google respectfully asks the Court to enter an Order granting its Motion to Remove the Administrative Complaint from the Expedited Hearing Procedures. In the alternative, Google requests that this Court exercise its considerable discretion in this matter under 41 C.F.R. § 60-30.2 and grant Google limited discovery in this matter within the expedited (or otherwise modified) hearing procedures, including a limited number of interrogatories, requests for production of documents and depositions.

Dated: January 24, 2017

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By: 

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ERIC E. SUITS, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of January, 2017, I caused a true and correct copy of the foregoing MOTION TO REMOVE THE ADMINISTRATIVE COMPLAINT FROM THE EXPEDITED HEARING PROCEDURES OR, IN THE ALTERNATIVE, GRANT LIMITED DISCOVERY to be served by sending a copy of same via overnight to:

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