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March 7, 2017

VIA HAND DELIVERY

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Office of Administrative Law
San Francisco

The Honorable Steven B. Berlin
UNITED STATES DEPARTMENT OF LABOR
Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

Re: OFCCP v. Google Inc., Case No. 2017-OFC-00004, Regional Director Availability for Hearing

Your Honor:

I write to follow up on the March 3, 2017 teleconference regarding scheduling a hearing in this case.

OFCCP respectfully requests that a hearing, if one is ultimately necessary, be scheduled for April 7, 2017 when all parties and the Court are available. As I stated during the call, OFCCP Regional Director Janette Wipper is unavailable April 3 through April 5. Because it is her child's school break, as the attached declaration explains, Ms. Wipper will be out of town from April 1 through April 5 with her family on a vacation she scheduled in January and for which she has made non-refundable payments. *See* Wipper Decl. ¶ 2. Ms. Wipper will be returning to San Francisco the evening of April 5 and is available to testify on April 7. *Id.* ¶ 3.

OFCCP's position remains that this expedited proceeding can be resolved on the papers, as shown by the parties' briefing on summary judgment, and that, if any hearing is necessary, April 7 is sufficient. However, in the unlikely event that two days of testimony are required, OFCCP acknowledges that the proceeding may be adjourned until the next available date on the Court's calendar that is mutually convenient for the parties. Given this acknowledgment, Google does not oppose OFCCP's request that a hearing be scheduled to begin on April 7.

Respectfully submitted,

Marc A. Pilotin
Trial Attorney

Attachment

cc: Lisa Barnett Sween (via e-mail)

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.

OALJ Case No. 2017-OFC-00004

OFCCP No. R00197955

**DECLARATION OF JANETTE WIPPER REGARDING AVAILABILITY FOR
HEARING**

Case Subject to Expedited Proceedings under 41 C.F.R. § 60-30.31

I, JANETTE WIPPER, hereby declare as follows:

1. I am the Regional Director for the Pacific Region of the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"). If called as a witness, I could and would testify competently to the matters set forth in this Declaration.

2. The week of April 3, 2017 is a school break for my child and, in January, we confirmed a trip out of town for April 1 through April 5. We have already made non-refundable payments for this trip.

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3. I will return to San Francisco the evening of April 5. I am available to testify on April 6 and April 7.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on March 7, 2017.



JANETTE WIPPER
Regional Director, OFCCP Pacific Region