



Issue Date: 26 April 2017

CASE NO. 2017-OFC-00004

In the Matter of

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS,
U.S. DEPARTMENT OF LABOR,**
Plaintiff,

v.

GOOGLE INC.,
Defendant.

**NOTICE OF INTENT TO UNSEAL BRIEFING
ON MOTION TO DISMISS**

On April 18, 2017, Google filed a motion to dismiss. OFCCP filed an opposition on April 25, 2017. Before adjourning the hearing on April 7, 2017, I ordered that any materials on this motion be filed under seal. The purpose was to allow an *in camera* review to determine whether any party or other person was entitled to protection from public disclosure of any portion of the materials filed. *See* 29 C.F.R. § 18.85.

I have reviewed the materials that the parties filed on the motion. Generally, material on the record may be sealed to protect against undue disclosure of privileged communications or sensitive or classified matters. 29 C.F.R. § 18.85(a). The reasons for sealing records must outweigh the presumption of public access. *Id.* § 18.85(b)(2). “Unless the necessary redactions would be so extensive that the public version would be meaningless, or making even a redacted version or summary available would defeat the reason the original is sealed,” a redacted version or summary of the sealed document must be made part of the public record. *Id.* § 18.85(b)(1).

Having reviewed *in camera* the materials filed on the motion, I find nothing of a privileged, sensitive, or classified nature that outweighs the presumption of public access. Unless there is an objection (*see* below), I will unseal these materials at 5:00 p.m. on Friday, April 28, 2017.

If any party objects, it must file by facsimile or by courier its written objections on or before 12:00 noon (Pacific Time) on Friday, April 28, 2017.¹ Any response to an objection must be

¹ The objections must be served by email, facsimile, or courier. Service is on opposing counsel only.

filed by facsimile or by courier no later than 12:00 noon (Pacific Time) on Tuesday, May 2, 2017.²

This order is unrelated to Google's pending motion to seal certain exhibits admitted at the hearing. I granted that motion on a preliminary basis to allow OFCCP time to file a brief and to allow time for a ruling on the motion. A final ruling on that motion remains pending. Nothing about this present order affects that separate motion.

This Order will be served on the Solicitor and on counsel for Google by facsimile or email. All other service is by U.S. mail.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge

² In the event of a shutdown of government services at or after midnight April 28, 2017, any objection must be filed no later than 72 hours after this Office reopens.