

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 21 February 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 HEARING
AND PRE-HEARING ORDER**

This is an action to enforce equal opportunity requirements under Executive Order 11246, section 503 of the Rehabilitation Act of 1973, section 4212 of the Vietnam Era Veterans Readjustment Act, and their implementing regulations. The case is assigned to Steven B. Berlin, Administrative Law Judge, for hearing and decision. All future pleadings, responses and correspondence should be addressed to him at the above address. Telephone inquiries should be directed to Tom Fazioli, Legal Assistant (415) 625-2200.

This matter is subject to expedited hearing procedures found at 41 C.F.R. §§ 60-30.31, *et seq.* Formal rules of evidence will not apply. 41 C.F.R. § 60-30.34(b). Any party may serve requests for admissions consistent with 41 C.F.R. § 60-30.9 (b) and (c). No other discovery is permitted, except that on motion for good cause shown, depositions may be allowed by order of the administrative law judge (or as already ordered). 41 C.F.R. § 60-30.33(c).

Each party must file and serve a witness list and an exhibit list no later than 10 calendar days before the hearing.¹ 41 C.F.R. § 60-30.33(b). Each party must also serve on the other party (but not file) a copy of each hearing exhibit at the time the exhibit list is served. (Exhibits must be presented for the record at the hearing.) The witness list must contain a summary of the testimony the witness will provide, a precise statement of what the testimony will prove, and a detailed explanation of the relevance of that testimony. General statements about the topics the testimony will cover are not sufficient.

¹ A paper is not filed until received by the clerk at this Office at the above address.

To the extent not covered by the relevant statutes, executive order, or 41 C.F.R. §§ 60-30.31, *et seq.*, any other procedural matters are controlled by this Offices Rules of Practice and Procedure, 29 C.F.R. Part 18A.²

PLEASE TAKE NOTICE that the hearing in this matter will begin on March 10, 2017, at 9:00 a.m. at the Office of Administrative Law Judges Courtroom, Suite 4-815, San Francisco Federal Building, 90 Seventh Street, San Francisco, California. The hearing will continue day-after-day until concluded, Saturdays, Sundays, and holidays excepted.

As this is an expedited procedure, continuances are disfavored, especially if not by stipulation. A motion for a continuance due to a previously noticed judicial proceeding or other scheduling conflict must be filed within 10 days of this notice and will not necessarily lead to a continuance.

No later than 10 days before the hearing, each party must file and serve a pre-hearing statement. It must contain:

1. A statement of the issues in the proceeding;
2. A list of stipulated facts, with a statement that the parties have communicated or conferred in a good faith effort to reach stipulations to the fullest extent possible;
3. A list of disputed facts;
4. A brief statement of the applicable law, including all statutes, regulations, and case decisions the party relies on, accompanied by a statement of the specific applicability of each to this matter;
5. The conclusion to be drawn from the testimony and documents to be offered into the record;
6. An estimate of the amount of time required to present the party's case;
7. Any appropriate comments, suggestions or information which might assist the parties or judge in preparing for the hearing or otherwise aid in the disposition of the proceeding.

SANCTIONS: Unless good cause is shown, parties will not be permitted to litigate issues, call witnesses, or introduce evidence they failed to disclose at the times and in the ways this order

² No party may fax a document to this office that exceeds 12 pages. 29 C.F.R. § 18.30(b)(3). Any documents that exceed the page limit will not be filed.

No later than 14 days before the hearing, the parties must provide written notice if an interpreter or other translation services will be needed at the hearing. Parties may provide their own certified interpreter or may request that the Department of Labor provided one.

requires. Failure to comply with this Order subjects the offending party to sanctions. *See generally* 29 C.F.R. §§ 18.12(b), 18.35(c), 18.50(d)(2), (3), 18.52, 18.57, 18.87.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge