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RECEIVED

MAY 02 2017

**Office of Administrative Law Judges
 San Francisco, Ca**

**UNITED STATES DEPARTMENT OF LABOR
 OFFICE OF ADMINISTRATIVE LAW JUDGES**

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

Case No. 2017-OFC-00006

[PROPOSED] ORDER REGARDING THE TEMPORAL SCOPE OF DISCOVERY

The Office of Contract Compliance Program's ("OFCCP") filed this enforcement action on January 17, 2017, alleging, among other things, ongoing compensation discrimination against women, Asians, and African Americans at Oracle's headquarters from 2013 to the present, recruiting and hiring discrimination against qualified White, Hispanic, and African American applicants in favor of Asian applicants, particularly Asian Indians, from at least January 1, 2013 to the present, and that Oracle refused to produce records to OFCCP, including 2013 compensation data, in violation of Executive Order 11246 and its implementing regulations.

After filing this action, OFCCP propounded two sets of discovery requests, and a notice of deposition on Oracle. In response, Oracle objected to the relevant time frame in the discovery requests, and stated it would limit its production and witness testimony to 2014 for the compensation claim and January 1, 2013 to June 30, 2014 for the hiring claim. After meeting and conferring on this issue, OFCCP brought a motion to overrule Oracle's objection to the temporal scope of discovery and to require Oracle to produce non-privileged responsive discovery relevant to the time period of the violations alleged in the Amended Complaint, January 1, 2013 to the present.

After considering the documents filed in support of and in opposition to the motion, the file in this action, the arguments of counsel, and all other matters presented to the court,

IT IS HEREBY ORDERED as follows:

OFCCP's motion regarding the temporal scope of discovery is granted. The objections Oracle made to the time frame of discovery are overruled. Oracle shall produce discovery in this case relevant to OFCCP's claims asserting discrimination, failure to provide documents, and other violations from at least 2013 through the present. Discovery relevant to such claims may

include documents and data created prior to 2013.

IT IS SO ORDERED.

DATED: May __, 2017

CHRISTOPHER LARSEN
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Alicia D. Lacey-Oha, am a citizen of the United States of America and am over 18 years of age. I am not a party to the within action; my business address is 90 7TH Street, Suite 3-700, San Francisco, California 94103.

On May 2, 2017, I served the foregoing

**OFCCP'S MOTION FOR A RULING OVERRULING ORACLE'S OBJECTIONS
REGARDING THE TEMPORAL SCOPE OF DISCOVERY**

**DECLARATION OF LAURA C. BREMER IN SUPPORT OF OFCCP'S MOTION FOR
A RULING OVERRULING ORACLE'S OBJECTIONS REGARDING THE
TEMPORAL SCOPE OF DISCOVERY**

**OFCCP'S COMPENDIUM OF ADMINISTRATIVE CASES IN SUPPORT OF MOTION
RE: TEMPORAL SCOPE OF DISCOVERY**

**(PROPOSED) ORDER ON OFCCP'S MOTION FOR A RULING ON THE TEMPORAL
SCOPE OF DISCOVERY**

in this action **by email**, to:

Gary R. Siniscalco: grsiniscalco@orrick.com
Erin M. Connell: econnell@orrick.com
Jessica R.L. James: Jessica.james@orrick.com
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Orrick Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105-2669

I certify under penalty of perjury that the above is true and correct.

Executed: May 2, 2017

/s/ Alicia D. Lacey-Oha
Alicia D. Lacey-Oha

Office of the Solicitor
United States Department of Labor

OFCCP v. Oracle America, Inc., Case
No. 2017-OFC-00006

BREMER DECLARATION IN SUPPORT OF
MOTION RE TEMPORAL SCOPE OF DISCOVERY