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February 1, 2019

Via Hand Delivery

Richard M. Clark
Administrative Law Judge
U.S. Department of Labor
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Re: *In the matter of Office of Federal Contract Compliance Programs, U.S. Department of Labor v. Oracle America, Inc., Case No. 2017-OFC-00006*

Dear Judge Clark:

We are responding to your question about whether the CMC, currently scheduled for February 4, 2019, should be continued.

OFCCP believes that there is no reason to delay the scheduling conference, since the proposed Second Amended Complaint does not expand the claims previously made. If the Court prefers to review Oracle's opposition the motion for leave to file a second amended complaint before holding a scheduling conference, OFCCP is amenable to a continuance of the conference for up to a week. OFCCP does not agree that the conference should be delayed until two rounds of motions are decided.

Oracle's view is this matter should not be scheduled until the parties know whether the pending motion for leave to file a Second Amended Complaint has been granted and, if granted, until a decision on Oracle's motion to dismiss, which will follow. Oracle's position remains it is premature to discuss scheduling until the pleadings are settled. If the Court would like to set a CMC before then, Oracle respectfully requests it be held after Oracle files its Opposition to OFCCP's pending motion, which will explain Oracle's view that the Second Amended Complaint contains new claims. If the Court decides to hold a CMC, but postpone it along the lines suggested by OFCCP, one of the two lawyers trying the case

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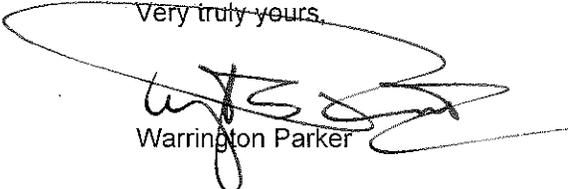
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for Oracle is unavailable on February 11 and 12. Therefore, we would ask the Court to select a date that accommodates this fact.

Very truly yours,



Warrington Parker

cc: Laura Bremer (Via Email Bremer.Laura@dol.gov)
Jeremiah Miller (Via Email Miller.Jeremiah@dol.gov)