

*Henley*

US DEPT OF LABOR  
ADMIN LAW JUDGES  
WASHINGTON, DC

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

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OFFICE OF FEDERAL CONTRACT  
COMPLIANCE PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,  
  
Plaintiff,  
  
v.  
  
ORACLE AMERICA, INC.,  
  
Defendant.  
\_\_\_\_\_

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

RECEIVED

FEB 23 2017

Office of Administrative Law Judges  
San Francisco, Ca

**OFCCP'S PREHEARING EXCHANGE**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), makes the following response to the prehearing exchange ordered in the *Notice of Docketing* issued by Chief Administrative Law Judge Stephen R. Henley on January 25, 2017.

As an initial matter, this case is in its preliminary stages and discovery has recently commenced and is currently ongoing. The information provided herein is based upon information available to OFCCP at the time of preparation of this prehearing exchange. OFCCP reserves the right to amend or supplement these responses as this case proceeds.

**I. Trial Witnesses.**

OFCCP may call the following witnesses at trial:

- a. OFCCP compliance officers who conducted the compliance evaluation of Oracle America, Inc. at its headquarters located at Redwood Shores, California

(“Oracle”) for the period of January 1, 2013 to the present (“relevant time period”).

- b. Oracle employees, whether current or former, involved in the recruiting and hiring processes for Professional Technical I, Individual Contributor (“PT1”) job group positions and all positions within the Product Development line of business for the relevant time period.
- c. Oracle employees, whether current or former, who were hired in PT1 job group positions and all positions within the Product Development line of business during the relevant time period.
- d. Persons who were not hired by Oracle in PT1 job group positions and all positions within the Product Development line of business during the relevant time period who had either submitted a job application to Oracle or otherwise expressed interest in a job at Oracle.
- e. Oracle employees, whether current or former, involved in determining employee promotion status or compensation for positions within the Product Development, Information Technology, and Support lines of business during the relevant time period.
- f. Oracle employees, whether current or former, who received a promotion or increase in compensation within the Product Development, Information Technology, and Support lines of business during the relevant time period.
- g. Oracle employees, whether current or former, who did not receive a promotion or increase in compensation within the Product Development, Information Technology, and Support lines of business during the relevant time period.

- h. Any other persons with knowledge of Oracle's recruiting and/or hiring policies, practices, or procedures during the relevant time period.
- i. Any other persons with knowledge of Oracle's compensation and/or promotion policies, practices, or procedures during the relevant time period.
- j. Any persons with knowledge of allegations of discrimination (including but not limited to discrimination based on gender or race) against Oracle for its hiring or compensation policies, practices, or procedures during the relevant time period.
- k. Expert witnesses.

OFCCP reserves the right to supplement this response and identify additional witnesses as discovery proceeds.

**II. Related Proceedings.**

OFCCP is not aware of any other proceeding which is related to, or may affect the progress of, this case.

**III. Location of Trial.**

OFCCP believes that the trial should be held at the San Francisco Office of Administrative Law Judges. This location is 25 miles from Oracle's headquarters in Redwood Shores, California, where the alleged discrimination occurred, and many current and former employees, applicants, and other potential witnesses reside in this area. Moreover, the San Francisco Office of the Administrative Law Judges is located in the same building as OFCCP's Pacific Region office, which completed the Oracle investigation, and the San Francisco Office of the Solicitor, which represents OFCCP in this matter.

**IV. Number of Days for Trial.**

Based on the information currently available, OFCCP estimates that a trial would last at least fourteen full court days. OFCCP reserves the right to revise its trial estimate as discovery proceeds.

**V. Trial Exhibits.**

OFCCP is not yet in a position to exchange copies of proposed trial exhibits because the parties have not yet completed discovery. OFCCP agrees to exchange proposed exhibits after discovery is completed and before the trial in accordance with all forthcoming court orders and other deadlines.

DATED: February 23, 2017

Respectfully submitted,

JANET M. HEROLD  
Regional Solicitor

IAN ELIASOPH  
Counsel for Civil Rights

/s/ Laura C. Bremer  
LAURA C. BREMER  
Senior Trial Attorney

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## DECLARATION OF SERVICE

I, the undersigned declarant, hereby say:

1. I am over the age of 18 years and am not a party to this litigation.
2. I am employed in the Office of the Solicitor, U.S. Department of Labor.
3. On the date indicated below, I caused to be served a true and correct copy of the OFCCP'S PREHEARING EXCHANGE via email addressed to:

Kaddah, Jacqueline D. [jkaddah@orrick.co](mailto:jkaddah@orrick.co)  
James, Jessica R. L. [Jessica.james@orrick.com](mailto:Jessica.james@orrick.com)  
Siniscalco, Gary ([grsiniscalco@orrick.com](mailto:grsiniscalco@orrick.com))  
Connell, Erin ([econnell@orrick.com](mailto:econnell@orrick.com))

4. This Declaration was duly executed in San Francisco, California, on the date indicated below.

I have read this Declaration and I hereby say, under penalty of perjury, that this Declaration is true and correct.

Dated: February 24, 2017

/s/ Llewlyn D. Robinson  
LLEWLYN D. ROBINSON  
Paralegal Specialist