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APR 17 2019

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

**OFCCP'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON
ORACLE'S AFFIRMATIVE DEFENSES RE CONCILIATION**

Plaintiff, Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), moves for partial summary judgment on Defendant Oracle America, Inc.'s

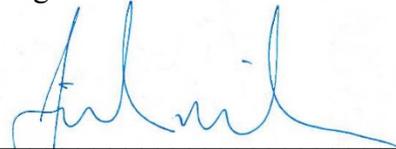
(“Oracle”) Sixth and Thirtieth Affirmative Defenses that OFCCP failed to meet its conciliation obligation under 41 C.F.R. § 60-1 .20(b).

This motion is based on the accompanying Memorandum of Points and Authorities, the attached Statement of Uncontested Facts, and the sworn declarations of Gary Siniscalco and Shauna Holman-Harries filed by Oracle on April 21, 2017.¹ As set forth in the Memorandum and supporting documents, the record of the parties’ conciliation is well-documented by undisputed evidence and no material facts are in dispute. As a matter of law, OFCCP’s conciliation efforts satisfied its obligation under 41 C.F.R. § 60-1 .20(b) and the Supreme Court’s decision in *Mach Mining, LLC v. E.E.O.C.*, 135 S. Ct. 1645, 1655-56 (2015). Accordingly, as discussed more fully in the attached Memorandum, the court should grant OFCCP partial summary judgment dismissing Oracle’s Sixth and Thirtieth Affirmative Defenses.

DATED: April 17, 2019

KATE S. O’SANNLAIN
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¹ These declarations were submitted as attachments to Oracle’s Motion for Summary Judgment, or in the Alternative, to Stay the Proceedings for Failure to Conciliate. OFCCP can provide courtesy copies should the Court request them.

CERTIFICATE OF SERVICE

I certify that on April 17, 2019, the foregoing OFCCP’S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ORACLE’S AFFIRMATIVE DEFENSES RE CONCILIATION, and the attached MEMORANDUM OF POINTS AND AUTHORITIES, and STATEMENT OF UNCOTESTED FACTS were served upon the following individuals by email, at the following addresses:

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/s/ Lewlyn D. Robinson

U.S. Department of Labor