

**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.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**MOTION BY DEFENDANT  
ORACLE AMERICA, INC. TO  
CORRECT OFCCP'S  
MISLEADING  
COMMUNICATIONS TO  
ORACLE'S EMPLOYEES**

RECEIVED

MAY 17 2019

Office of Administrative Law Judges  
San Francisco, Ca

**ORACLE'S MOTION TO CORRECT OFCCP'S MISLEADING COMMUNICATION TO EMPLOYEES**

**I. INTRODUCTION**

Defendant Oracle America, Inc. (“Oracle”), by and through its undersigned counsel and pursuant to 29 C.F.R. § 18.22 and 29 C.F.R. § 18.33, hereby requests that the Court order Plaintiff, the Office of Federal Contract Compliance Programs (“OFCCP”) to issue a notice correcting the misleading, false, and coercive statements contained in OFCCP’s April 4, 2019 communication to current and former Oracle employees, or prohibiting OFCCP from introducing into evidence any information obtained through its misleading correspondence.

This Motion is based upon the accompanying Memorandum of Points and Authorities, the declaration of Erin M. Connell filed herewith, all pleadings on file in this matter, and upon such other matters as may be presented to the court at the time of the hearing or otherwise.

On or about April 4, 2019, OFCCP sent a letter to current and former Oracle employees (and therefore potential witnesses in this action), stating that Oracle discriminated against them and that they may be entitled to a portion of over \$600,000,000 in purportedly lost wages. The letter encourages employees to contact the Department of Labor to learn whether their wages have been affected. This letter is misleading, false, and coercive in violation of 29 C.F.R. § 18.22 because it implies the Department of Labor already has ruled on OFCCP’s claims, and that employees should contact the Department of Labor in order to reap the benefit of this purported determination. It fails to clearly explain that no court has decided OFCCP’s allegations or that the Oracle denies them. As a result, this letter has unfairly prejudiced Oracle and tainted potential witnesses’ testimony by presenting as a foregone conclusion the very claims OFCCP is attempting to prove.

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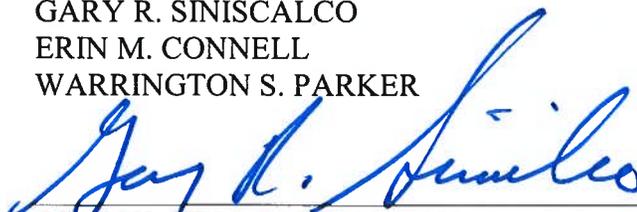
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Counsel for Oracle and OFCCP met and conferred telephonically in good faith on May 9, 2019 regarding this dispute but were unable to reach a resolution.

May 17, 2019

Respectfully submitted,

GARY R. SINISCALCO  
ERIN M. CONNELL  
WARRINGTON S. PARKER



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