



June 25, 2019

Delivery by Hand

Judge Richard M. Clark
U.S. Department of Labor
Office of Administrative Law Judges
90 Seventh Street, Suite 4-800
San Francisco, CA 94103-1516

RECEIVED

JUN 24 2019

Office of Administrative Law Judges
San Francisco, CA

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Erin M. Connell

E econnell@orrick.com
D +1 415 773 5969
F +1 415 773 5759

Re: OFCCP v. Oracle America, Inc.; 2017-OFC-00006

Dear Judge Clark:

Oracle America, Inc. ("Oracle") respectfully submits this letter to provide Notice that Oracle will file a motion to seal narrow portions of Plaintiff's Motion to Compel Oracle's Compensation Analyses ("Motion"), within ten business days of the June 19, 2019 filing, pursuant to §12.3 of the May 26, 2017 Protective Order ("2017 Order"), as affirmed and amended by your March 22, 2019 Order Addressing Protective Order and Order Modifying Pre-Hearing Order ("2019 Order"). Additionally, Oracle submits this letter to lodge an objection to the disclosure of Plaintiff's Motion pursuant to the 2019 Order.

The discrete portions of Exhibits 3 and 46 to the Declaration of Laura Bremer in support of the Motion, to which Oracle objects to the public disclosure thereof, and to which Oracle will move to seal, comprise records that contain confidential trade secret information and information derived from personnel files, provided to Plaintiffs during discovery which was produced with a confidential designation. § 12.3 of the 2017 Order, affirmed by your 2019 Order, dictates that the designating party can move to seal confidentially-designated information by written motion submitted within ten business days of the filing of such information, which Oracle will do. The 2019 Order does not modify this section of the 2017 Order but adds that a party seeking to seal any portion of a filing must provide notice and/or lodge an objection to the disclosure of the filing within four business days of the filing, which Oracle now does through this letter.

The relevant information relates to Oracle's confidential compensation structure and affirmative action plan strategies, which are excepted from FOIA disclosure under various exemptions, including but not limited to, FOIA Exemption 4: "trade secrets and commercial or financial information obtained from a person and privileged or confidential," 5 U.S.C.A. § 552 (West), because disclosure would create a substantial risk of the "use of proprietary information by



June 25, 2019
Page 2

[Oracle's] competitors" to cause Oracle competitive harm. *Watkins v. U.S. Bureau of Customs & Border Prot.*, 643 F.3d 1189, 1195 (9th Cir. 2011). Additionally, the information is exempt from disclosure upon the grounds that the material constitutes personnel information. (FOIA Exemption 6).

Respectfully submitted,

A handwritten signature in blue ink that reads "Erin M. Connell". The signature is written in a cursive, flowing style.

Erin M. Connell

cc (via email): Laura Bremer (Bremer.Laura@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
Norman E. Garcia (Garcia.Norman@DOL.GOV)
Charles C. Song (Song.Charles.C@dol.gov)
Abigail Daquiz (Daquiz.Abigail@dol.gov)
Marc A. Pilotin (pilotin.marc.a@dol.gov)