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**JUL 30 2019**

**Office of Administrative Law  
San Francisco**

**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 TO COMPEL OFCCP  
TO COMPLY WITH THE  
COURT'S DISCOVERY ORDERS  
REGARDING REDACTED  
INTERVIEW MEMORANDA  
AND 30(b)(6) TESTIMONY;  
REQUEST FOR EXPEDITED  
BRIEFING**

Defendant Oracle America, Inc. ("Oracle"), by and through its undersigned counsel and pursuant to 29 C.F.R. § 18.57, hereby requests that the Court order Plaintiff, the Office of Federal Contract Compliance Programs ("OFCCP") to (1) produce its memoranda and notes of interviews with Oracle employees with only the redactions permitted by the Court's June 10, 2019 and July 2, 2019 Orders; and (2) produce a 30(b)(6) witness to testify on the facts supporting the statistical analysis referenced in OFCCP's Second Amended Complaint, as the Court ordered on July 1, 2019.

This Motion is based upon the accompanying Memorandum of Points and Authorities, the declarations of David P. Fuad and Kathryn G. Mantoan 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 June 10, 2019, Court issued an Order granting in part Oracle's Second Motion to

ORACLE'S MOTION TO COMPEL OFCCP TO COMPLY WITH THE COURT'S DISCOVERY ORDERS

Compel Plaintiff OFCCP to Produce Documents and Further Respond to Interrogatories. That Order directed OFCCP to produce witness interview notes with redactions only for (1) information that could identify the employee and (2) opinion work product that reflects attorney impressions, opinions, and strategy. On July 2, 2019, the Court issued an Order denying OFCCP's Motion for Clarification or, in the Alternative, for Reconsideration of the of the June 10, 2019 Order.

Separately, on July 1, 2019, the Court granted Oracle's Motion to Compel Plaintiff OFCCP to Designate and Produce 30(b)(6) Witnesses and ordered OFCCP to designate and produce a witness or witnesses as to Topics 1-21 in Oracle's 30(b)(6) notice. At the deposition of OFCCP's designee, Dr. Michael Brunetti, OFCCP instructed Dr. Brunetti not to answer many questions specifically covered the July 1 Order.

As set forth in the accompanying Memorandum of Points and Authorities, OFCCP has violated the foregoing Orders by (1) producing interview notes with substantial redactions not permitted by the Court; and (2) instructing its 30(b)(6) designee not to answers questions that the Court ordered OFCCP to answer.

Because fact discovery is closed and the parties are conducting expert discovery, preparing a motion for summary judgment, and preparing for trial, Oracle additionally respectfully requests expedited briefing on this motion, such that OFCCP's response be due three days after this Motion is filed.

Oracle additionally requests pursuant to 29 C.F.R. § 18.57 that OFCCP not be permitted to introduce at trial any evidence or facts which remain redacted or otherwise undisclosed to Oracle following the resolution of this Motion.

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Counsel for Oracle and OFCCP met and conferred telephonically in good faith on July 16, 22, and 23 and regarding these disputes but were unable to reach a resolution.

July 30, 2019

Respectfully submitted,

GARY R. SINISCALCO  
ERIN M. CONNELL  
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