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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

**STIPULATION AND [PROPOSED] ORDER MODIFYING PRE-HEARING SCHEDULE  
AND PRE-HEARING ORDER WITH RESPECT TO EXPERT DISCOVERY AND  
DISPOSITIVE AND DAUBERT MOTIONS**

On February 6, 2019, this Court issued a Notice of Hearing and Pre-hearing Order that (*inter alia*) set a limit of 20 pages for any prehearing motion, 20 pages for any response, and 10 pages for any reply (*see* ¶ III.A.2).

On March 6, 2019, this Court issued an Order Approving Prehearing Schedule that (*inter alia*) set August 30, 2019 as the Close of Expert Discovery and September 20, 2019 as the Deadline for Dispositive and *Daubert* Motions.

The parties exchanged initial expert disclosures on July 19, 2019 and intend to exchange any rebuttal expert disclosures on August 16, 2019, consistent with the March 6 Order Approving Prehearing Schedule.

The parties have recently been in discussions regarding a proposed extension to the expert discovery cut-off date in order to allow additional time for expert depositions to accommodate an issue impacting one of the Solicitor of Labor's attorneys, as well as an accompanying change to the deadline for filing dispositive and *Daubert* motions. The parties have also discussed their mutual interest in extending the page limit for dispositive motions, oppositions, and reply briefs, in light of the complex legal and factual issues that remain in the case.

The parties have reached agreement to a proposed modified schedule and modified page limits with respect to dispositive motions only. This proposed modification does not alter the date by which briefing on dispositive and *Daubert* motions would be complete, or any later dates in the March 6, 2019 Order Approving Prehearing Schedule.

THEREFORE, THE PARTIES STIPULATE AND RESPECTFULLY REQUEST that the Court set the following date for the close of expert discovery, and the following briefing schedule and page limits for dispositive and *Daubert* motions:

|   |  |
|---|--|
| Close of Expert Discovery   | September 13, 2019   |
| Deadline for Dispositive and <i>Daubert</i> Motions                     | September 25, 2019 (30-page limit per side for dispositive motions; 20-page limit per side for <i>Daubert</i> motions) |
| Deadline for Opposing Dispositive and <i>Daubert</i> Motions            | October 11, 2019 (30-page limit per side for dispositive motions; 20-page limit per side for <i>Daubert</i> motions)   |
| Deadline for Reply in Support of Dispositive and <i>Daubert</i> Motions | October 21, 2019 (15-page limit per side for dispositive motions; 10-page limit per side for <i>Daubert</i> motions)   |

**IT IS SO STIPULATED.**

Date: August 7, 2019

Respectfully submitted,

KATE O'SCANNLAIN  
Solicitor of Labor

JANET M. HEROLD  
Regional Solicitor

JEREMIAH MILLER  
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*Attorneys for Plaintiff OFCCP*

Date: August 7, 2019



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**[PROPOSED] ORDER**

Pursuant to the parties' stipulation and finding good cause, the Court orders the expert discovery cut-off date and dispositive and Daubert motion briefing schedule and page limits set forth above.

**IT IS SO ORDERED.**

Date: August \_\_, 2019

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THE HON. RICHARD M. CLARK  
Administrative Law Judge