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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

OFCCP No. R00192699

**JOINT STATUS REPORT RE
HEARING EXHIBITS**

Pursuant to the Court's December 4, 2019 Order Regarding Motions to Seal and Hearing Confidentiality, the Parties hereby submit this Joint Status Report Regarding Confidentiality of Hearing Exhibits.

Exhibits in Category 3.a. of the December 4, 2019 Order

The Parties agree that the following hearing exhibits fall within Category 3.a of the Court's December 4, 2019 Order, i.e., exhibits for which there is no private or confidential information that requires redaction and may therefore be made available to the public.¹ The Parties understand that the Court already has copies of the following exhibits in their unredacted form:

- **Court Exhibit: ALJ1**

¹ On December 17, 2019, Oracle filed with this Court a Notice of Exhibits That Do Not Contain Private or Confidential Information. Since that Notice was filed, the Parties have reached agreement that all of the exhibits on that list with the exception of P334 can be made public, and that the following additional exhibits not included on that Notice can also be made available to the public: D11, D22, D88-D89, D203-D204, D293, D447, J143, P47, P67, P153, P160, P161, P195, P240-P241, P270, P326, P352, and ALJ1.

- **Joint Exhibits:** J1-J8, J11-J13, J16-J19, J22, J26, J28-J36, J37-J39, J41-J50, J52-J65, J66-J69, J71-J77, J79-J87, J89-J98, J99-J101, J112, J122-J125, J142-J143, J145, J147-J148, J151-J152, J154-J155, J157-J159, J165
- **Plaintiff's Exhibits:** P2, P31, P33, P35-P36, P40, P42-P44, P47-P52, P54-P59, P61-P63, P66-P71, P73, P78-P81, P84, P87, P89, P107-P110, P118-P119, P130-P131, P134-P140, P142-P145, P153, P160-P161, P172-P173, P179, P187, P193-P195, P196-P197, P199-P212, P214-P218, P220-P225, P227-P235, P240-P251, P253-P257, P261-P262, P264-P265, P268-P270, P272-P273, P275-P293, P295-P297, P300, P302, P304-P311, P323-P326, P331-P333, P336, P340-P341, P343-P344, P352, P354-P356, P358-P359, P416-P418, P420-P422, P437-P443, P448, P450-P468, P471
- **Defendant's Exhibits:** D1-D5, D9-D11, D13-D16, D18-D20, D22-D23, D33-D34, D36-D39, D42-D44, D49, D51-D55, D84-D89, D92, D94, D98, D108-D111, D114, D120-D125, D203, D204, D206-D245, D248-D257, D259-D261, D292-D294, D329, D438, D442-D443, D447

Exhibits in Category 3.b. of the December 4, 2019 Order

The Parties agree that the following exhibits contain private and/or confidential information and agree on the appropriate redactions. Electronic copies of these exhibits with the agreed-upon redactions are submitted with this Joint Status Report:

- **Plaintiff's Exhibits:** P185, P213
- **Defendant's Exhibits:** D8, D48, D174, D267-D288, D357-D368, D370-D374, D380-D382, D384-D389, D391, D422-D428, D436

The Parties further agree that following excel data files should be sealed in their entirety but that the portion of the exhibit that was submitted to the Court as a pdf (e.g. the cover page or cover email) does not need to be sealed in its entirety. The Parties understand that the Court already has electronic copies of the Excel file portions of the exhibits in question:

- **Joint Exhibits:** J20, J21, J51, J129, J130, J132, J133, J137, J161
- **Plaintiff's Exhibits:** P219, P236-P239, P319, P330, P361-P364, P423, P424, P426,

P427, P430, P431, P445-P447

- **Defendant's Exhibits:** D50, D290, D291, D304, D314-D316, D322, D326, D327, D345, D444

Exhibits in Category 3.c. of the December 4, 2019 Order

The Parties have not reached agreement on the appropriate categorization and/or redaction of the following exhibits at this time²:

- **Joint Exhibits:** J9-J10, J14-J15, J23-J25, J27, J40, J70, J78, J88, J103-J111, J113-J121, J126-128, J131, J134-J136, J138-J141, J144, J146, J149-J150, J154, J156, J160, J162-J164
- **Plaintiff's Exhibits:** P1, P8-P9, P28-P30, P32, P34, P37-P39, P41, P45-P46, P53, P64, P72, P74-P77, P82-P83, P85-P86, P90-P92, P94-P106, P111-P117, P120-P129, P132-P133, P141, P146-P152, P154-P159, P162-P171, P174-P178, P180-P184, P186, P188-P191, P198, P226, P252, P258-P260, P266-P267, P274, P294, P298-P299, P301, P303, P312-P318, P320-P322, P327-P328, P334-P335, P337-P339, P342, P345-P351, P353, P357, P360, P365-P415, P419, P425, P428-P429, P432-P435, P444, P449, P469-P470, P472-P499, P501-P512,
- **Defendant's Exhibits:** D6-D7, D12, D17, D21, D24-D32, D35, D40-41, D45-D47, D56-D83, D112-D113, D115-D117, D126-D173, D175-D202, D246-D247, D258, D262-D266, D289, D295-D303, D305-D313, D317-D321, D323-D325, D328, D330-D341, D343-344, D346-D356, D369, D375-D379, D383, D390, D392-D421, D429-D435, D437, D444-D445, D449

OFCCP Position Statement re: Scheduling

OFCCP requests that the following deadlines in the Court's December 4, 2019 Order

² The parties have not reached agreement on certain other proposed redactions. As this Court's Order calls only for a status report, we note that fact without detailing the scope or nature of the disagreements. Regarding depositions, during discovery in accordance with the protective order, Oracle designated portions of the depositions as confidential. It is OFCCP's position that Oracle over-designated the depositions as confidential, and that the designations should be reconsidered as they are submitted in connection with the trial. The parties have not yet redacted those portions of the depositions at issue (Exhibits J102, P10, P12-P14, P16-P27, and D439-D443).

Regarding Motions to Seal and Hearing Confidential be extended:

- Item 5, requiring a second joint status update be extended from January 13, 2020 to January 17, 2020;
- Item 6, requiring briefs to be filed on January 17, 2020 be extended to January 24, 2020;
- Item 6, requiring reply briefs to be filed on January 22, 2020 be extended to January 31, 2020.

While the parties have made progress, disputes remain regarding multiple exhibits, many of which are voluminous. Counsel for the parties will be unavailable to meet and confer until January 6, 2020, leaving little time to resolve the remaining issues. OFCCP respectfully suggests that the additional time will permit the parties to more meaningfully meet and confer on the outstanding disputes and seek resolution of them.

Oracle Position Statement re: Scheduling

Oracle opposes any changes to the schedule set forth in the Court's December 4, 2019 Order.

December 20, 2019

Respectfully submitted,

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