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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

RECEIVED

AUG 10 2018

Office of Administrative Law Judges
San Francisco, CA

PARTIES' JOINT CASE MANAGEMENT STATEMENT

Following the Order dated May 11, 2018, Plaintiff Office of the Federal Contract Compliance Programs, United States Department of Labor ("OFCCP") and Defendant Oracle America, Inc. ("Oracle") hereby file this Joint Case Management Statement. Oracle submits this joint statement without prejudice to, and without waiving, its right to argue upon any recommencement of this litigation that the proceedings have been conducted, and without modification would be conducted on a going-forward basis, in violation of the U.S. Constitution, including the Appointments Clause, U.S. Const., Art. II, § 2, cl. 2; *see Lucia v. SEC*, No. 17-130 (S. Ct.) (June 21, 2018), and constitutional separation of powers principles, *see Free Enter. Fund v. Public Co. Accounting Oversight Bd.*, 561 U.S. 477, 492, 497 (2010).¹

The parties continue to be involved in active efforts to resolve this matter through the mediation process with mediator Eric Green. The parties met in person with Professor Green in San Francisco on July 20, 2018 and have reached an agreement in principle that would resolve

¹ Oracle has previously raised its challenge to the appointment of the ALJ in its case management statement, and the Court stated during a hearing that the issue of the Constitutionality of the appointment of the ALJ was preserved for appeal. *See, e.g.*, May 2, 2017 Joint Case Mgmt. Stmt. at 17-18; May 9, 2017 Hr'g Tr. at 14-15.

some of the claims. The parties have *ex parte* sessions scheduled with Professor Green in the coming weeks to focus on a global resolution of the remaining claims, and will reconvene for another joint mediation session in San Francisco on September 27, 2018. In order to allow the parties to continue their efforts to resolve the case through the mediation process, the parties respectfully and jointly ask the Court to continue the stay until Monday, October 15, 2018. If agreeable to the court, the parties also propose submitting a further Joint Case Management Statement on Friday, October 12, 2018, reporting on the status of mediation and, if mediation efforts have failed, proposing next steps in the proceedings.

Date: August 10, 2018

Respectfully submitted,

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Dated: August 10, 2018

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