

BY FACSIMILE TRANSMISSION

The Honorable John M. Vittono
Chief Administrative Law Judge
U.S. Department of Labor
800 K Street, N.W., Suite 400
Washington, D.C. 20001-8002

Re: U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services (OATELS) v. California Department of Industrial Relations (CDIR),
Case No. 2002-CCP-1

Dear Judge Vittono:

The Prosecuting Party hereby submits its status report for the above-referenced proceeding. Counsel for the Respondent have been served as indicated in the Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

CHARLES D. RAYMOND
Associate Solicitor for
Employment and Training
Legal Services

By: _____
STEPHEN R. JONES
Attorney
SCOTT GLABMAN
Senior Appellate Attorney

Enclosure

cc: John M. Rea, Chief Counsel
Julian O. Standen, Deputy Attorney General

OFFICE OF ADMINISTRATIVE LAW JUDGES
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20001

In the Matter of

U.S. DEPARTMENT OF LABOR, OFFICE)
OF APPRENTICESHIP TRAINING,)
EMPLOYER AND LABOR SERVICES,)

Prosecuting Party,)

v.)

Case No. 2002-CCP-1

CALIFORNIA DEPARTMENT OF)
INDUSTRIAL RELATIONS,)

Respondent.)
_____)

PROSECUTING PARTY'S STATUS REPORT

As required by the administrative law judge's ("ALJ") February 26, 2003 order, Prosecuting Party Office of Apprenticeship Training, Employer and Labor Services ("OATELS") hereby submits its status report. On January 17, 2003, OATELS served its first set of interrogatories and request for production of documents on Respondent California Department of Industrial Relations ("CDIR"). On February 14, CDIR's counsel informed us that the State would need at least thirty additional days, until March 18, to respond. We replied that we had no objection to such an extension.

On March 12, 2003, six days before the extended deadline, the counsel for the California Apprenticeship Council ("CAC") informed us that he would not respond to our discovery requests concerning CAC because our discovery was addressed to CDIR, not CAC. CAC's counsel also said that his client would try to respond within thirty days if we served it with a new

set of requests addressed to CAC. OATELS maintains that its service on CDIR applied to the Council because CDIR requested a hearing on behalf of both CDIR and CAC, and CAC never moved to intervene as an independent party. We anticipate that this dispute could delay completion of discovery, and that the issue may be presented to the ALJ in the context of a motion to compel if CDIR does not provide a complete response by the March 18 deadline. Although we do not think that it is legally required, we have tried to expedite CAC's discovery responses by readdressing our requests to CAC, and will serve them on its counsel.

On January 22, 2003, OATELS served its response to California's first set of interrogatories, and supplemented this response on February 20. To date, we have received no further discovery requests from the State.

OATELS will complete discovery as quickly as possible. While we anticipate that follow-up discovery might be needed, we think that, absent further extensions and assuming complete and responsive replies from CDIR, we could be finished with our discovery by July 2003.

OATELS would like the hearing to be held as soon as possible after discovery is completed. While we will need a few months to assess the information received, submit any dispositive motions, and/or prepare for trial, if discovery is completed in July 2003, we estimate

that we will be ready for trial, or to submit this case for decision on the record, in fall 2003. A later end to discovery would move back the fall date accordingly.

Respectfully submitted,

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U.S. DEPARTMENT OF LABOR
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U.S. DEPARTMENT OF LABOR, OFFICE)
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EMPLOYER AND LABOR SERVICES (OATELS),)
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CALIFORNIA DEPARTMENT OF)
INDUSTRIAL RELATIONS (CDIR),)
)
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Case No. 2002-CCP-1

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of March 2003, I served a copy of the foregoing Prosecuting Party's Status Report, by facsimile, electronic transmission, and postage prepaid, on the following:

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