

JUL 2 - 2003

Fred D. Lonsdale, Esq.
Counsel
California Department of Industrial Relations
Office of the Director- Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Re: U.S. Department of Labor, Office of Apprenticeship Training, Employer and Labor Services v. California Department of Industrial Relations, Case Nos. 2002-CCP-1, 2003-CCP-1

Dear Mr. Lonsdale:

Thank you for your June 25, 2003 letter, expressing interest in settling our discovery dispute and setting forth your position on the privilege waiver issue. We share your interest in resolving discovery disputes informally whenever possible, and, for that reason, we have moved to compel sufficient responses only where we concluded that further discussion would be futile. In the same spirit of cooperation, we are working with your office, through Chris Wilkinson, to get the program applications responsive to our Interrogatories 4 and 18.

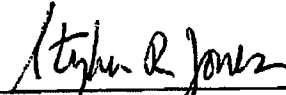
Our motion to compel, however, also requests identification and summaries of these program applications by discovery request and Bates-stamped page numbers, see Prosecuting Party's Motion to Compel at 13, 15-16 (June 16, 2003). Our motion further requests similar identification of each responsive document included in the 15,000 pages of material you made available for copying on May 1. See id. at 16. In addition, the motion requests those materials you have withheld on the basis of claimed privileges or objections without, in our view, even minimally fulfilling the discovery requirements for specifically justifying such claims. See id. at 6.

These requests raise legal issues, discussed in our motion, that will be difficult to resolve informally. For the reasons stated in the motion, and notwithstanding your letter, we think that the discovery rules and the applicable case law require you to provide all of the information that we have requested in our motion at pages 6, 13, and 15-17. If you are willing to provide this material, then we will be able to resolve this dispute without a ruling on our motion to compel.

We appreciate, however, that you may have a different view of your discovery obligations, in which case, settlement of the motion will not be possible.

Sincerely,

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

By: 

STEPHEN R. JONES
Attorney
SCOTT GLABMAN
Senior Appellate Attorney

cc: Julian O. Standen, Esq.