

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 Nos. 2002-CCP-1,
)	2003-CCP-1
CALIFORNIA DEPARTMENT)	
OF INDUSTRIAL RELATIONS,)	
)	
Respondent,)	
)	
and)	
)	
CALIFORNIA APPRENTICESHIP COUNCIL,)	
)	
Respondent.)	
)	

PARTIES' JOINT MOTION FOR AN EXTENSION OF PRE-HEARING DEADLINES

Prosecuting Party Office of Apprenticeship Training, Employer and Labor Services ("OATELS") and Respondents California Department of Industrial Relations ("CDIR") and California Apprenticeship Council ("CAC") jointly move for an extension for thirty days of all pre-hearing deadlines set by the Administrative Law Judge's ("ALJ") November 7, 2003 order. The requested extension would move the discovery request cut-off date from December 12, 2003 to January 12, 2004, the parties' informal telephone pre-hearing conference from January 15 to February 16, 2004, and the ALJ's formal pre-hearing conference with the parties in San Francisco from January 29-30 to March 1-2, 2004, or such later date as is convenient for everyone concerned. The extension would also defer, by 30 days, the deadline for filing a

motion to compel sufficient discovery responses.¹ All extension dates have been moved to the following Monday where the 30th day fell on a weekend.

The extension is necessary to allow the parties simultaneously to engage in settlement negotiations, respond to pending discovery requests, and request any necessary additional discovery. The change in administration of the California executive branch offers the parties a window of opportunity to settle this case before making intensive trial preparations. A pre-trial settlement would conserve the ALJ's resources and save all the parties considerable time and expense.

If settlement negotiations are to have any chance of success, however, the parties need time to explore thoroughly the various possibilities for informal resolution. The current tight pre-hearing schedule makes a serious exchange and consideration of settlement proposals extremely difficult. OATELS must respond to pending informal discovery requests from CDIR and CAC, and is currently reviewing over 40,000 pages of documents received from the two respondents. CDIR and CAC must respond to pending informal discovery requests from OATELS. All parties anticipate that some follow-up discovery and/or motions to compel may be necessary. Under the current schedule, all discovery requests must be made by December 12, leaving little time for serious settlement negotiations. There will also be little time for such negotiations between the December 12 discovery request cut-off and the January 15 informal

¹ Neither the ALJ's November 7, 2003 order nor the Office of ALJs ("OALJ") rules at 29 C.F.R. §§ 18.6 and 18.21 set a deadline for filing motions to compel. The OALJ rules do provide for ten days to respond to a motion, see § 18.6(b), and it is reasonable to assume that a movant should be allowed as long to prepare its motion. As the OALJ rules provide for thirty days to respond to discovery requests, see §§ 18.18(b), 18.19(d) & 18.20(b), the last of which responses would be due on the extended date of February 11, the parties request that the ALJ accept motions to compel on such final responses up until February 21.

prehearing conference because of the winter holidays and the parties' obligations, during that period, to respond to final discovery requests and prepare stipulations and evidentiary exhibits.

For these reasons, the parties respectfully request that this motion be granted. The parties also request a ruling as soon as possible so that they may begin settlement negotiations immediately if the motion is granted.

Respectfully submitted,

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