

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.	)	
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PARTIES' JOINT MOTION TO STAY PROCEEDINGS

Prosecuting Party Office of Apprenticeship Training, Employer and Labor Services ("OATELS") and Respondents California Department of Industrial Relations ("C DIR") and California Apprenticeship Council ("CAC") jointly move to stay all proceedings in the above case for four months. The requested stay would postpone the parties' February 17, 2004 telephone pre-hearing conference and the ALJ's March 1-2 formal pre-hearing conference with the parties in San Francisco.<sup>1</sup> The stay would also suspend CAC's pending motion to compel and

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<sup>1</sup> The ALJ's November 25, 2003 order actually set the date of February 16, 2004, a federal holiday, for the telephone conference. See Order Granting Extension ("ALJ's Order") at 1 (Nov. 25, 2003). Accordingly, the parties construe the conference date as February 17, the next business day.

defer any further discovery motions by any party on pending discovery requests until such time as the proceedings are resumed.<sup>2</sup>

The parties agree that the requested stay is necessary to pursue the settlement negotiations initiated during the thirty-day extension that the ALJ granted previously. While the parties continue to believe that this case can be settled, they also think that any settlement will take considerably longer than the current litigation schedule permits. The parties agree that the change in the administration of CDIR will greatly enhance the prospects of settlement, but the parties understand that this transition is still in progress and could take several months. CDIR and CAC have no ability to accelerate this transition. Additional time is also needed because some of the relief requested may involve legislative action or rule-making.

Accordingly, the parties agree that this case is not yet ripe for further litigation, and that the informal resolution process between OATELS and the California respondents should be exhausted before these proceedings are resumed. Therefore, the parties respectfully request that this motion be granted. The parties further request that the ALJ order that status reports be filed, either jointly or separately at the parties' option, every forty-five days after the date any such order is issued until either the case is settled or the stay is ended. Because the parties' scheduled February 17 and March 1-2 conferences, as well as CAC's pending motion to compel, and other

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<sup>2</sup> The ALJ's order cut off discovery requests after January 12, 2004. See ALJ's Order at 1. The parties retain the right however to move to compel sufficient responses to discovery requests made before January 12. OATELS has been trying informally to obtain sufficient responses from CDIR and CAC to such requests, and reserves the right to move to compel if the proceedings are resumed.

prospective discovery motions, would be directly affected by the ALJ's ruling on this motion to stay, the parties request a ruling as soon as possible.

Respectfully submitted,

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Date: \_\_\_\_\_

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