

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.)	
<hr/>		

PARTIES' JOINT MOTION TO CANCEL THE HEARING AND SET A BRIEFING
SCHEDULE FOR CROSS-MOTIONS FOR SUMMARY DECISION

As a result of Respondent California Apprenticeship Council's ("CAC") failure to adopt the proposed regulation that formed the centerpiece of the parties' settlement agreement in the above proceedings, that agreement has broken down. Accordingly, Prosecuting Party Office of Apprenticeship Training, Employer and Labor Services ("OATELS") and Respondents California Department of Industrial Relations ("CDIR") and CAC now jointly propose to submit the above two consolidated cases for resolution by filing cross-motions for complete summary decision. The parties hereby jointly move the Administrative Law Judge ("ALJ") to cancel the hearing, currently scheduled for

August 24, 2004, and set the following simultaneous briefing schedule, which is acceptable to all the parties:

The parties' joint stipulation of facts shall be due on Friday, September 3, 2004.

All parties' cross-motions for summary decision shall be due on Monday, September 20, 2004.

All parties' reply briefs, if any, shall be due on Monday, October 4, 2004.

Because the parties agree that the issues in these cases are strictly legal, resolution of these cases by dispositive cross-motions represents the most efficient use of the ALJ's and the parties' time and resources.

For these reasons, the parties respectfully request that this motion be granted. Should the ALJ decline to cancel the scheduled August 24, 2004 hearing, each party respectfully requests the option of filing a motion for summary decision immediately and asks that the hearing be suspended until any such motions can be fully briefed and decided. Furthermore, in view of the imminence of the August 24 hearing date and the parties' urgent need either to prepare for hearing or possibly to file a dispositive motion

immediately if the hearing is not canceled, the parties request a ruling as soon as possible on this motion to cancel the hearing.

Respectfully submitted,

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

HARRY L. SHEINFELD
Counsel for Litigation

FRED D. LONSDALE
CAROL BELCHER
Attorney, Office of the
Director, Legal Unit,
California Department
of Industrial Relations

BILL LOCKYER
Attorney General

STEPHEN R. JONES
Attorney

SCOTT GLABMAN
Senior Appellate Attorney

Office of the Solicitor
U.S. Department of Labor

Date: _____

Date: _____

JULIAN O. STANDEN
Deputy Attorney General

Attorneys for
Respondent California
Apprenticeship Council

Date: _____