

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.)	
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In the Matter of

U.S. DEPARTMENT OF LABOR, OFFICE)	
OF APPRENTICESHIP TRAINING,)	
EMPLOYER AND LABOR SERVICES,)	
)	
Prosecuting Party,)	
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v.)	Case No. 2003-CCP-1
)	
CALIFORNIA APPRENTICESHIP COUNCIL,)	
)	
Respondent.)	
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PROSECUTING PARTY'S SECOND STATUS REPORT

Despite attempts at informal resolution, we have been unable to obtain sufficient responses to our first set of discovery requests from the respondents, and have filed a motion to compel. Although we consider many of the respondents' answers insufficient, we have sought to compel responses only where we have reasonably concluded that further requests would be

futile. We will continue to seek sufficient responses to our other requests through further discovery and informal resolution, and will submit further motions to compel only as a last resort. Until we receive full disclosure of the requested information, we cannot predict, with certainty, when we will be ready for trial. In addition to delaying the trial, the respondents' failure to provide sufficient responses may hinder our ability to develop our case and, consequently, deprive the Administrative Law Judge of the opportunity to consider all the relevant facts in deciding this case.

We served our discovery requests on the California Department of Industrial Relations' ("CDIR") counsel on January 17, 2002. On March 17, 2003, we served a separate copy of our requests on the California Apprenticeship Council's ("CAC") attorney, even though CAC was not admitted to this case until May 21, because he declared that the requests to CDIR did not apply to CAC and that his client would not respond unless the requests were addressed to CAC.¹ On March 18, CDIR responded to our requests. On March 27, we conferred with CDIR's counsel in an effort to secure more complete responses informally. On April 7, we gave CDIR a detailed written request for more sufficient responses and served a copy on CAC's counsel. On April 14, CAC responded to our discovery requests, and on April 17, CDIR replied to our informal request for sufficient responses.

On May 1, in lieu of production of documents and responses to certain interrogatories, CDIR simply permitted our agent to copy nearly 15,000 pages of documents, which were Bates-stamped for ease of reference. We received this material the following week. Although we had specifically asked CDIR to label each set of responsive documents by discovery request number,

¹ On June 10, 2003, the ALJ's clerk informed undersigned counsel that CAC's April 25 request for a hearing had been docketed as Case No. 2003-CCP-1 and consolidated with CDIR's pending appeal, effective May 21.

CDIR did not provide such identification, or label, organize, or index the documents in any way related to the discovery requests. For the reasons explained in our motion to compel, we still consider certain of CDIR's and CAC's responses to be insufficient.²

Once we receive complete responses to our discovery requests, we anticipate that some follow-up discovery may be necessary. Assuming that CDIR and CAC respond sufficiently and that they request no further extensions, we could be finished with our discovery in September 2003. 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 September 2003, we

² CDIR's June 13, 2003 status report states that the agency will provide access to audio tapes and additional documents and has assembled additional documents for production. To date, CDIR has neither produced additional materials nor contacted us to arrange copying of them, even though these materials were due, with the rest of CDIR's responses, on March 18.

estimate that we will be ready for trial, or to submit this case for decision on the record, by the end of the year. A later end to discovery would move back the trial date accordingly.

Respectfully submitted,

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