

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,)	
)	
v.)	Case No. 2003-CCP-1
)	
CALIFORNIA APPRENTICESHIP COUNCIL,)	
)	
Respondent.)	
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PROSECUTING PARTY'S MOTION FOR LEAVE TO FILE A REPLY BRIEF

Prosecuting Party Office of Apprenticeship Training, Employer and Labor Services ("OATELS") hereby moves for leave to file the accompanying reply brief in the above consolidated cases. OATELS received Respondent California Apprenticeship Council's

("CAC") response, the last of the two responses filed here, on July 9, 2003. Thus, OATELS' reply brief is being submitted ten days after the last response (July 19 was a Saturday).

OATELS' reply brief is necessary to answer the respondents' contentions that the motion resulted from OATELS' failure to seek "last chance" pre-motion conferences, and that the respondents' post-motion disclosures have mooted the motion. Since respondents' arguments are based, in part, on events that occurred after the motion was filed, OATELS could not have addressed these arguments in its motion.

OATELS' reply brief sets out the federal agency's view that the motion did not result from a failure to seek these non-required conferences but from the respondents' much earlier and continuing failures to make required disclosures, properly identify produced materials, and validly assert privileges. The reply brief explains why it is still necessary for the ALJ to compel Respondent California Department of Industrial Relations ("CDIR") to identify properly the materials it produced on May 1, 2003, and the materials it is now producing, and to provide, in that new production, the summaries that OATELS has requested of responsive documents. The brief also demonstrates that responsive CAC materials either still have not been produced or their location in produced materials has not been sufficiently specified. Finally, the brief also shows why there is still a live controversy about CDIR's and CAC's assertions of privileges.

For these reasons, OATELS respectfully requests that the ALJ accept the accompanying
reply brief.

Respectfully submitted,

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