

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

IN RE CHARGE OF JOHN MARK WILK,))	
UNITED STATES OF AMERICA,))	
Complainant,))	
v.))	8 U.S.C. § 1324b Proceeding
)	Case No. 98B00021
VOLVO TRUCKS NORTH AMERICA,))	
INC.,))	Marvin H. Morse,
Respondent.))	Administrative Law Judge

FIRST TELEPHONIC PREHEARING CONFERENCE REPORT
(January 23, 1998)

The first telephonic prehearing conference was held as scheduled on January 22, 1998. The parties advised that despite dialogue among counsel, they had not reached an agreed disposition. Complainant advises it has initiated discovery. Respondent contemplates the same. Respondent, referring to the likelihood of dispositive motion practice, suggested it would probably await the conclusion of initial discovery to file such motions. Counsel and the bench discussed in general terms Respondent's defenses of waiver and business necessity (reduction in force) to the pattern or practice claims of the charging party.

If the proceeding reaches an evidentiary confrontation, it is understood and agreed that the evidentiary hearing will be bifurcated, the remedy and penalty phase to await decision on the merits.

A second telephonic prehearing conference will take place on **Tuesday, April 14, 1998, at 10:00 a.m., EST.**

Appearances: **Ginette Milanès, Esq., for Complainant**
 Michael F. Marino, Esq., and Frederic
 Freilicher, Esq., for Respondent

SO ORDERED.

Dated and entered this 23rd day of January 1998.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached FirstTelephonic Prehearing Conference Report were mailed first class this 23rd day of January 1998, addressed as follows:

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