

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

December 20, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00053
)	
ECO BRITE LINENS, LLC)	
D/B/A ECOBRITE LINEN,)	
)	
Respondent.)	
_____)	

Appearances: Geoffrey Gilpin, Esq., for Complainant
Ritika Narayanan, Esq., for Respondent

ORDER SUMMARIZING STATUS CONFERENCE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1234a. On March 29, 2023, Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint against Eco Brite Linens, LLC d/b/a EcoBrite Linen, alleging violations of §§ 1324a(a)(1)(A)–(B).

On August 14, 2023, the Court referred this case to OCAHO’s Settlement Officer Program for 60 days, and later extended the parties’ time in the Program following a request to do so. The designated Settlement Officer informed the Court the parties reached a tentative settlement.

On December 19, 2023, the Court held a telephonic prehearing conference to discuss the status of the case. Attorney Geoffrey Gilpin attended for Complainant, and Attorney Ritika Narayanan attended for Respondent.

The parties are presently finalizing their written settlement agreement. The Court offered the parties guidance on approvable settlement terms. *See* 28 C.F.R. § 68.14(a)(2).¹ First, the Court

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

discussed the use of the term “Final Order” in the draft settlement agreement, noting a recent, published OCAHO decision on this point.

Specifically, parties must bear in mind:

. . . DHS does not have the authority to issue any equivalent to an ALJ-issued Final Order prior to issuance of said Final Order by the ALJ. Once a case has left this forum, DHS can issue whatever documents or forms it chooses to in accordance with its own regulations and policies. Issuance of a “Final Order” (or its equivalent) by DHS “upon execution of the agreement” is not an approvable settlement term because when the settlement agreement is executed, the case is still in the forum. It leaves the forum if and when it is dismissed by the Court pursuant to a reason provided for in regulation or caselaw.

United States v. Koy Chinese & Sushi Rest., 16 OCAHO no. 1416f, 2 (2023) (citing *United States v. Enrique Silva*, 8 OCAHO no. 1014, 252, 253 (1998) (noting that the § 1324a “regimen obliges [DHS] to stay its hand in the issuance of final orders until a case is disposed of by the ALJ”); and then citing *United States v. Frimmel Mgmt., LLC*, 12 OCAHO no. 1271d, 2 n.3 (2017) (referring to an ICE Order issued after the ALJ’s Final Decision and Order as “merely cumulative or repetitive”)).² The Court advised parties to consider language that contemplates issuance of a Final Order in this forum as a condition precedent to any DHS form entitled a “final order.”

Second, the Court encouraged the parties to ensure all terms contemplated by the parties were reduced to writing in the settlement agreement. For example, if the parties seek to agree on how the case might leave the forum, such an agreement should appear in the terms of their written settlement agreement (i.e. what motion may be filed and who will file such a motion). *See, e.g., id.* at 2 (explaining that a valid settlement agreement must have consideration) (citing *Heath v. Springshine Consulting*, 16 OCAHO no. 1421b, 4 (2023) (“The parties bargained on a lawful

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

object—the release of claims by Complainant against Respondent in exchange for a sum of money.”)); *see generally* 28 C.F.R. § 68.14(a)(2).

The Court informed the parties that it would be amenable considering a motion to dismiss based on settlement either in writing prior to, or orally at, the next prehearing conference. Given the posture of the case, the Court was disinclined to set a case schedule.

The Court scheduled a follow-up telephonic status conference on **Thursday, January 25, 2024 at 11:30 A.M. Eastern Standard Time (8:30 A.M. Pacific Standard Time)**. The parties shall attend the conference by calling #-###-###-####, using the conference room number ###-###-### and using security code #####. In the event of a scheduling conflict, the parties shall file a request to reschedule the conference, in writing, no later than 7 days before the prehearing conference. If the parties submit a joint motion to dismiss prior to the conference, the Court will lift this conference.

SO ORDERED.

Dated and entered on December 20, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge