

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

January 17, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00066
)	
KLEIN'S KOSHER PICKLE COMPANY,)	
D/B/A MRS. KLEIN'S KOSHER PICKLE)	
COMPANY,)	
Respondent.)	
_____)	

Appearances: Lisa Dubowski, Esq., for Complainant
Gregory Wald, Esq., for Respondent

ORDER EXTENDING SUMMARY DECISION MOTION DEADLINE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On June 6, 2023, Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging violations of § 1324a(a)(1)(B).

On August 30, 2023, the Court held a prehearing conference pursuant to 28 C.F.R. § 68.13(a) during which it set a case schedule. By December 29, 2023, parties were required to file any motions on summary decision.

On January 8, 2024, Complainant filed a Motion to Seek Leave to Excuse Failure to File and to Extend Dispositive Motion Due Date. Complainant acknowledged its motion was not timely filed, and explained the parties were “working to limit [contested] issues” prior to submission of a motion for summary decision. Accordingly, Complainant requested an extension to file its summary decision motion. Complainant’s Mot. Seek Leave Extend Dispositive Mot. Due Date 2.

On January 11, 2024, Respondent filed a Response to Complainant’s Motion indicating Complainant’s motion was unopposed.

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States*

v. Space Exploration Techs. Corp., 18 OCAHO no. 1499, 5 (2023) (collecting cases and citing, inter alia, Fed. R. Civ. P. 6(b)(1) (“When an act may be or must be done within a specified time, the court may, for good cause, extend the time”)).¹

Because the extension request is unopposed, and because Complainant provided good cause to grant the motion, the Court now extends the deadline by which summary decision motions must be filed to on or before February 16, 2024. Responses to motions for summary decision shall be afforded a 30-day response time.

SO ORDERED.

Dated and entered on January 17, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹ 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/ocahosisbpage.htm#PubDecOrders>.

OCAHO has found good cause to extend case deadlines where both parties agreed to the extension and the extension would allow the parties to engage in discovery and briefing, *Sharma v. Lattice Semiconductor*, 14 OCAHO no. 1362f, 2 (2023) and where the parties were in settlement discussions and wished to determine if they could resolve the matter prior to dispositive motions, *United States v. JS Design and Build, LLC*, 17 OCAHO no. 1460c, 2 (2023), among other reasons.