

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

January 23, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00079
)	
DUNCAN FAMILY FARMS, INC.,)	
Respondent.)	
_____)	

Appearances: James Harmony, Esq., for Complainant
Julie A. Pace, Esq., Heidi Nunn-Gilman, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO EXTEND DISCOVERY & MOTION DEADLINE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. 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 that Respondent, Duncan Family Farms, Inc., violated § 1324a(a)(1)(B). At a prehearing conference on October 24, 2023, the Court set a case schedule, including deadlines for close of discovery and dispositive motions. 28 C.F.R. § 68.13.

On January 18, 2024, the parties filed a Joint Motion to Reset Discovery and Dispositive Motion Deadlines. The parties are actively engaged in discovery and inform the Court that due to the complexity of the case, they desire additional time complete discovery (90 days) and file dispositive motions (30 days after close of discovery). Joint Mot. Reset Disc. & Dispositive Mot. Deadlines 1–2.

“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 requests are jointly made, and because the parties have articulated good cause to grant the motion, the parties’ Joint Motion is granted. Revised deadlines are as follows:

April 22, 2024: Close of Discovery

June 20, 2024: Deadline for all Dispositive Motions

July 22, 2024: Deadline for Responses to any Dispositive Motions

Tentative Hearing: September 2024 in Phoenix, AZ

SO ORDERED.

Dated and entered on January 23, 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/ocahosibpage.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 & Build, LLC*, 17 OCAHO no. 1460c, 2 (2023), among other reasons.