

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

VASANA LEUTHPHOVA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2023B00044
	)	
PRINTFUL, INC.,	)	
Respondent.	)	
	)	

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Appearances: Vasana Leuthphova, pro se Complainant  
Vanessa N. Garrido, Esq. and Stephen H. Smalley, Esq., for Respondent

ORDER ISSUING STAY OF PROCEEDINGS

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On February 17, 2023, Complainant, Vasana Leuthphova, filed a complaint against Respondent, Printful, Inc. Complainant alleges that Respondent discriminated against her on account of her citizenship status in violation of 8 U.S.C. § 1324b(a)(1) and engaged in unfair documentary practices, in violation of 8 U.S.C. § 1324b(a)(6). Respondent filed an Answer on April 6, 2023.

On March 6, 2024, Respondent filed a letter to the Court, notifying the undersigned that Respondent have entered into settlement discussions with Complainant through U.S. Department of Justice Civil Rights Division. The letter further explained that the parties have agreed that the OCAHO proceedings be stayed pending the settlement discussions and request a stay.

II. STAY

Under OCAHO’s rules, the Administrative Law Judge has the power to regulate the proceeding, which includes the ability to issue a stay of proceedings. *See Hsieh v. PMC – Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003) (citing 28 C.F.R. § 68.28).<sup>1</sup> The issuance of a stay “calls for

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<sup>1</sup> 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

the exercise of judgment, which must weigh competing interests and maintains an even balance.” See Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and then quoting Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998)); see also Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021) (citations omitted) (noting that the standard routinely applied for granting an extension of time is good cause).

The Court finds a stay appropriate under the circumstances. Respondent represents that both parties agree a stay would be appropriate. Request Stay 1. It also appears that Complainant is represented in a limited capacity by an attorney from the Department of Justice, Civil Right Division’s Immigrant and Employee Rights section for the purposes of settlement. Id. Additionally, the requested stay is brief. Given the “parties’ avowed interest in exploring settlement, and ‘OCAHO policy favoring settlement of civil cases over litigation,’” the Court finds good cause to support a stay of the proceedings. United States v. Ron’s Temp. Help Servs., Inc., 18 OCAHO no. 1496, 2 (2023) (quoting United States v. Koy Chinese & Sushi Res., 16 OCAHO no. 1416e, 9 (2023) (CAHO Order).

The Court hereby STAYS proceedings in this matter for 30 days following the issuance of this order.

The Court also ORDERS the parties to file a joint status report within 35 days of the date of this order that advises on the status of the parties’ settlement discussions. If the parties have not settled at that time, the Court will move forward in its consideration of Respondent’s Motion to Dismiss.

Should the parties reach a settlement agreement before the lifting of the stay or the deadline for their joint status report, they may instead file a joint motion to dismiss. 28 C.F.R. § 68.14(a)(2) addresses how the parties may notify the court of their settlement agreement and jointly move to dismiss the case. The filing should also indicate whether the parties would like the case dismissed with or without prejudice.

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precedents subsequent to Volume 8, where the decision has not yet 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decision>.

SO ORDERED.

Dated and entered on March 27, 2024.

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John A Henderson  
Administrative Law Judge