

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00043
	)	
DEERE & COMPANY,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Eric S. Bord, Esq., Eric L. Mackie, Esq., and Hannah Fisher, Esq. for Respondent

ORDER VACATING PREHEARING  
CONFERENCE AND ISSUING A STAY OF DISCOVERY

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant US Tech Workers filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent Deere & Company discriminated on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). Respondent filed its Answer to Complaint on April 29, 2024. On the same day, Respondent also filed its Motion to Dismiss.

On May 9, 2024, the Court issued an Order Setting Prehearing Conference and General Litigation Order. The Court set a date for an initial prehearing conference on July 8, 2024 at 2:00 pm Eastern Time. Gen. Lit. Order 1–2.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. Complainant filed a response to Respondent’s Motion to Dismiss on May 14, 2024. On June 7, 2024, Respondent filed its Reply Brief in Support of its Motion to Dismiss.

On June 13, 2024, the Court granted Respondent an extension of time to file a response to the Motion to Consolidate, among other filings. US Tech Workers et al. v. Deere & Co., 19

OCAHO no. 1539a, 2-3 (2024). On June 18, 2024, Respondent filed its Motion in Opposition to Complainant's Motion to Consolidate.

## II. ORDER CANCELLING PREHEARING CONFERENCE AND ISSUING STAY OF DISCOVERY

The Court finds it would be prudent to cancel the prehearing conference previously set for July 8, 2024 given the pendency of the Motion to Dismiss and Motion to Consolidate.<sup>1</sup> The Court also finds that it would serve judicial economy and efficiency to issue a stay of discovery pending adjudication of the pending motions, as they pose a bar to the Court's ability to set an appropriate case schedule in this matter at a prehearing conference.

Respondent's Motion to Dismiss is potentially case dispositive. This Court has previously found good cause to stay proceedings pending adjudication of a potentially case dispositive motion. *See, e.g., Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464c, 3 (2023) ("[T]he pendency of the Motion to Dismiss constitutes good cause to stay proceedings, including discovery, until the Court issues a ruling on the pending Motion to Dismiss."); *US Tech Workers v. Fifth Third Bank*, 19 OCAHO no. 1550, 3 (2024) (finding stay of proceedings would be in interest of judicial economy given pendency of motion to dismiss).

"The OCAHO Rules vest the Administrative Law Judge (ALJ) with all appropriate powers necessary to regulate the proceedings." *Heath v. Amaze Glob. Ventures, Inc.*, 16 OCAHO no. 1433, 2 (2022) (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003))<sup>2</sup>; 28 C.F.R. § 68.28(a). This includes the power to issue stays of proceedings. *United States v. Black Belt Sec. & Investigations*, 17 OCAHO no. 1456b, 2 (2023) (citing *Hsieh*, 9 OCAHO no. 1091, at 5).

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<sup>1</sup> Given the significant delays in receiving and transmitting court filings by mail, the Court's offices, as a courtesy to the parties, communicated the granting of this motion by email in June. The Court encourages the parties, to the extent they would like to speed the process by which they are heard by the Court and receive the Court's orders, to register for the OCAHO e-filing program by completing the form sent to them at the beginning of this litigation and available on the Court's website at <https://www.justice.gov/eoir/ocaho-filing>.

<sup>2</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 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 <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Accordingly, the Court cancels the previously scheduled prehearing conference. Discovery is STAYED pending adjudication of Complainant's Consolidation Motion and Respondent's Motion to Dismiss.

SO ORDERED

Dated and entered on July 17, 2024.

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John A. Henderson  
Administrative Law Judge