

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. 2024B00049
)	
UNIVERSITY OF CHICAGO,)	
Respondent.)	
)	

Appearances: John M. Miano, Esq., for Complainant
Bobby Earles, Esq., Carly E. Gibbons, Esq., and Ryan H. Vann, Esq., for
Respondent

ORDER CANCELLING 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 University of Chicago discriminated against it on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). Respondent filed its Answer on April 25, 2024.

On May 9, 2024, the Court issued an Order Scheduling Prehearing Conference and General Litigation Order, setting an initial telephonic prehearing conference for July 9, 2024.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. On May 24, 2024, Respondent filed its Opposition to the Motion to Consolidate.

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

The Court finds it would be prudent to cancel the prehearing conference previously scheduled for July 9, 2024 due to the pending Motion to Consolidate.¹ Further, the undersigned concludes that it would serve judicial economy and efficiency of the proceedings to stay proceedings pending adjudication of the motion. Complainant's Motion to Consolidate, if granted, would combine the above-captioned matter with more than 40 other cases in this forum. That result would radically alter the nature of the scheduling order and the amounts and nature of the discovery at issue in this matter. *See, e.g., 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))²; 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). The issuance of a stay "calls for the exercise of judgment, which must weigh competing interests and maintains an even balance," and "should not be granted absent a clear bar to moving ahead." *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)).

¹ 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>.

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

Accordingly, all discovery in this matter is STAYED pending adjudication of Complainant's Consolidation Motion. The prehearing conference scheduled for July 9, 2024 is cancelled.

SO ORDERED.

Dated and entered July 18, 2024.

John A. Henderson
Administrative Law Judge