

US TECH WORKERS, ET AL.,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00070
	)	
NORTHWESTERN MEMORIAL	)	
HEALTHCARE, D/B/A NORTHWEST	)	
MEDICINE,	)	
Respondent.	)	
	)	

## ORDER STAYING ANSWER DEADLINE AND FURTHER PROCEEDINGS

Following two extensions of time, Respondent's answer to the Complaint was due on June 24, 2024. *See US Tech Workers v. Northwestern Med.*, 19 OCAHO no. 1566a (2024); *US Tech Workers v. Northwestern Med.*, 19 OCAHO no. 1566b (2024).<sup>1</sup>

<sup>1</sup> Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

On June 24, 2024, Respondent filed a Motion to Dismiss and a Motion to Stay Answer Deadline and Further Proceedings. In its Motion to Stay Answer Deadline, Respondent writes that good cause exists for a stay of proceedings in this matter, because a stay of proceedings would be in the interest of judicial economy; would not prejudice the Complainant; and would allow the Court time to consider Complainant's pending Motion to Consolidate and Motion to Dismiss. *See generally* Mot. Stay Answer Deadline.

Per OCAHO rules, an ALJ is permitted to exercise "all appropriate powers necessary to conduct fair and impartial hearings . . . ." 28 C.F.R. § 68.28(a).<sup>2</sup> This includes the authority to "regulate" and, thus, stay proceedings. *United States v. Black Belt Sec. & Investigations*, 17 OCAHO no. 1456b, 2 (2023) (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003)); *see also* *Heath v. ConsultAdd*, 15 OCAHO no. 1395b, 2 (2022) (basing the Court's authority to issue a stay on its "inherent power to 'control the disposition of the cases on its docket with economy of time and effort . . .'" (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936))).

In considering whether to grant a stay of proceedings, the Court must "weigh competing interests and maintain an even balance." *Heath*, 15 OCAHO no. 1395b, at 2 (quoting *Landis*, 299 U.S. at 254). A stay is warranted if there is "good cause" and, more specifically, if there is a "clear bar to moving ahead." *United States v. Fresco Produce*, 19 OCAHO 1530, 4 (2024) (quoting, in part, *Monda v. Staryhab, Inc.*, 8 OCAHO no. 1002, 86, 91 (1998)). In the past, the Court has found judicial economy, fairness, lack of prejudice, and potentially dispositive case developments to justify a stay of proceedings. *United States v. Ron's Temp. Help Servs., Inc.*, 18 OCAHO no. 1496, 2 (2023) (judicial economy and fairness); *US Tech Workers v. Fifth Third Bank*, 19 OCAHO no. 1550, 3 (2024) (lack of prejudice); *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464c, 3 (2023) (stay of proceedings due to pending motion to dismiss).

The Court agrees that a stay of the answer deadline and further proceedings (such as setting a date for a prehearing conference, setting a case schedule, and opening discovery) would serve judicial economy and efficiency, and would be unlikely to prejudice either party. The pending Motion to Consolidate may change the scope of these proceedings, and Respondent's Motion to Dismiss seeks full dismissal of this matter. *See, e.g., US Tech Workers v. Relativity*, 20 OCAHO no. 1579, 4 (2024) (finding good cause to stay proceedings pending resolution of motions in the interest of preserving time and resources). Therefore, Respondent's request to stay further proceedings is GRANTED, with the exception that Complainant may file a response to the Motion to Dismiss. The Response must be filed within ten days of service of this Order.

SO ORDERED.

Dated and entered on July 11, 2024.

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Honorable Jean C. King  
Chief Administrative Law Judge

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<sup>2</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).