

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

ORDER GRANTING RESPONDENT'S MOTION FOR LEAVE TO FILE A REPLY

On June 24, 2024, Respondent filed a Motion to Dismiss and a Motion to Stay Answer Deadline and Further Proceedings. The Court granted Respondent’s request for a stay of the answer deadline and further proceedings on July 11, 2024, finding that a stay would serve judicial economy and efficiency, and would be unlikely to prejudice either party—however, the Court noted that Complainant may file a response to the Motion to Dismiss. *US Tech Workers v. Northwestern Memorial Healthcare*, 19 OCAHO no. 1566c (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

Complainant filed a Response to Respondent’s Motion to Dismiss on July 12, 2024. Thereafter on July 19, 2024, Respondent filed a Motion for Leave to File a Reply in Support of its Motion to Dismiss. Respondent requests leave to file a reply in the interest of “fairness” in order to respond to a request for summary judgment, a new “civil conspiracy” claim, and new evidence raised in Complainant’s response. Mot. Leave File Reply 1, 5–6.

Per OCAHO’s Rules of Practice and Procedure, parties are not permitted to file a “reply to a response, counterresponse to a reply, or any further responsive document,” unless authorized by an Administrative Law Judge (ALJ). 28 C.F.R. § 68.11(b).<sup>2</sup> Thus, parties “must seek leave of Court before filing a reply . . .” *United States v. Space Expl. Techs. Corp.*, 18 OCAHO no. 1499a, 4 (2023) (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1093, 7 (2003)); *see also* *Sharma v. Lattice Semiconductor*, 14 OCAHO no. 1362g, 4 (2024).

An ALJ has full discretion to permit a reply. *See Space Expl. Techs. Corp.*, 18 OCAHO no. 1499a, at 4 (“[T]he decision whether to allow a reply or sur-reply ‘is solely within the judge’s discretion.’” (quoting *Diaz v. Pac. Mar. Assoc.*, 9 OCAHO no. 1108, 3 (2004))). OCAHO judges have considered whether the reply would “further record development and provide an opportunity for parties to be heard on novel issues or argument.” *Sharma v. NVIDIA Corp.*, 17 OCAHO 1450j, 3 (2023) (citing *Heath v. Ameritech Global*, 16 OCAHO 1435, 3 (2022)); *see also* *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475d, 7 (2023).

The Court will exercise its discretion to permit Respondent to file a reply. Respondent seeks to reply in order to address new arguments and evidence raised in Complainant’s response brief; thus, the filing of a reply would serve to build a full record for the Court’s consideration. *See, e.g., Sharma*, 17 OCAHO 1450j, at 3. Respondent may file a reply no later than August 22, 2024. Proceedings otherwise remain stayed.

SO ORDERED.

Dated and entered on August 1, 2024.

---

Honorable Jean C. King  
Chief Administrative Law Judge

---

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>.

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