

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

August 6, 2024

US TECH WORKERS ET. AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00086
)	
OAK STREET HEALTH,)	
Respondent.)	
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Appearances: John M. Miano, Esq., for Complainant
Stephen H. Smalley, Esq., and Vanessa N. Garrido, Esq., for Respondent

ORDER GRANTING LIMITED STAY OF PROCEEDINGS AND CANCELLING
PREHEARING CONFERENCE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, et al., filed a complaint against Respondent, Oak Street Health, on March 19, 2024, alleging citizenship discrimination in hiring. On June 25, 2024, this Court accepted Respondent’s answer.

Also on June 25, 2024, the Court issued a General Litigation Order scheduling an initial telephonic prehearing conference for July 24, 2024. The Court subsequently rescheduled the prehearing conference for August 14, 2024.

However, on May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint, to which Respondent filed a response on June 5, 2024. At this time, the Court finds it prudent to issue a stay of proceedings pending resolution of Complainant’s Motion to Consolidate.

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). 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, and lack of prejudice may justify a stay of proceedings. See *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).

The Court has not authorized discovery to begin. However, the Court finds that delaying the start of discovery would serve judicial economy and efficiency and would be unlikely to prejudice either party. The pending Motion to Consolidate may change the nature of the case and of discovery. 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). The Court, then, issues a limited stay of proceedings, and will cancel the prehearing conference. 28 C.F.R. § 68.5(a). The stay is a limited one, however, as the Court will permit the filing of dispositive motions and responses thereto provided the motions do not require discovery. The Court will notify the parties of a date and time for an initial telephonic prehearing conference to discuss setting a case schedule in this matter once the stay is lifted.

Proceedings are accordingly STAYED until the Court issues a decision on Complainant’s Motion to Consolidate. The prehearing conference scheduled for August 14, 2024, is CANCELLED.

SO ORDERED.

Dated and entered on August 6, 2024.

Honorable Jean C. King
Chief Administrative Law Judge