

US TECH WORKERS ET AL.,)
Complainant,)
)
v.) 8 U.S.C. § 1324b Proceeding
) OCAHO Case No. 2024B00075
)
VIVID SEAT, A.K.A. VIVIDSEATS, LLC,)
Respondent.)
_____)

ORDER ON MOTION TO WITHDRAW AND MOTION FOR LEAVE TO REPLY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On March 19, 2024, Complainant, US Tech Workers, et al. filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting a claim of citizenship discrimination arising under 8 U.S.C. § 1324b against Respondent, Vivid Seat. On May 17, 2024, this Court received Respondent's Answer. On May 29, 2024, this Court issued a General Litigation Order.

On July 1, 2024, this Court received Respondent's Motion to Dismiss and Motion to Stay Proceedings. In its July 3, 2024, Order Staying Proceedings, the Court stayed proceedings and cancelled the scheduled prehearing conference.

On July 11, 2024, Complainant filed his Response to Respondent's Motion to Dismiss. On July 24, Respondent filed a Motion to Withdraw as counsel for Attorney North, and a Motion for Leave to File a Reply Memorandum in Support of Respondent's Motion to Dismiss and Opposition to Complainant's Motion for Partial Summary Judgment.

II. MOTION TO WITHDRAW

Pursuant to 28 C.F.R. § 68.33(g), “[w]ithdrawal or substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion,” and the “Administrative Law Judge shall enter an order granting or denying such motion for withdrawal or substitution.” “Motions for withdrawal of counsel, when properly filed, are usually granted.” *United States v. HDB Network Tech., Inc.*, 18 OCAHO no. 1483, 2 (2023).¹

Here, the Court finds that Respondent complied with the regulatory requirements, and withdrawal of one of the co-counsel will not impact case management. The Court GRANTS the Motion to Withdraw as Counsel (Mr. North). *See generally United States v. Facebook, Inc.*, 14 OCAHO no. 1386e, 3, 6 (2021).

III. MOTION FOR LEAVE TO FILE REPLY

Under OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), “no reply to a response, counter-response to a reply, or any further responsive document shall be filed” without permission from the presiding Administrative Law Judge. 28 C.F.R. § 68.11(b). 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.” *US Tech Workers et al. v. Relativity*, 20 OCAHO no. 1579, 2 (2024) (citing *Space Expl. Techs. Corp.*, 18 OCAHO no. 1499a, 4 (2023)). When considering whether to permit a reply, this Court has previously considered whether the reply would contribute to record development or address novel issues or arguments. *Id.* at 3 (citing *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450j, 3 (2023)).

Respondent requests leave to reply to Complainant’s Response to Respondent’s Motion to Dismiss, and attaches the proposed filing as Exhibit 1. Complainant has not opposed Respondent’s motion. By way of its Reply, Respondent seeks to provide additional argument for the Court’s consideration pertaining to matters raised in Complainant’s response.

¹ 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 after Volume 8, where the decision has not yet 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 “FIM-OCAHO,” the LexisNexis database “OCAHO,” or on the United States Department of Justice’s website at: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

The Court will exercise its discretion to accept Respondent’s Reply, as it would “further record development and provide an opportunity for parties to be heard on novel issues or argument.” *See 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) (accepting reply brief addressing which “portions of the response the Court should consider”).

SO ORDERED.

Dated and entered on August 8, 2024.

Honorable Jean C. King
Chief Administrative Law Judge