

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. 2024B00101
)	
REVEAL DATA CORPORATION,)	
Respondent.)	
)	

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 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 April 23, 2024. Complainant alleges that Respondent, Reveal Data Corporation, discriminated on the basis of citizenship, in violation of 8 U.S.C. § 1324b. After receiving an extension of time to file an answer, Respondent filed its Answer and Affirmative Defenses on June 4, 2024.

This Court issued a General Litigation Order on June 20, 2024, scheduling a prehearing conference. On July 30, 2024, Complainant filed a Motion to Consolidate, Stay Discovery, and for Leave to File a Consolidated Amended Complaint, to which Respondent had previously filed a Response, anticipating the filing.

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