

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. 2024B00102
)	
UL SOLUTIONS, INC.,)	
Respondent.)	
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Appearances: John M. Miano, Esq., for Complainant
Sean M. McCrory, Esq., for Respondent

ORDER GRANTING LIMITED STAY

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, UL Solutions, Inc., discriminated on the basis of citizenship, in violation of 8 U.S.C. § 1324b. Respondent filed its Answer and Affirmative Defenses on June 6, 2024.

On July 23, 2024, the Court held a telephonic prehearing conference pursuant to 28 C.F.R. § 68.13(a).¹ During the conference, Complainant expressed an intention to file a motion to consolidate this matter with other pending matters before OCAHO, and to request a stay of discovery pending resolution of that motion. The Court set a case schedule, including deadlines for discovery and dispositive motion briefing.

On July 25, 2024, Complainant filed a Motion to Consolidate, Stay Discovery, and for Leave to File a Consolidated Amended Complaint. Complainant asks that the Court stay discovery while the motion is pending, writing that the “[f]undamental nature of this litigation depends upon whether these cases are consolidated.” Mot. Consolidate 5. Respondent filed an opposition to consolidation on August 5, 2024.

Per OCAHO’s Rules of Practice and Procedure for Administrative Hearings, an ALJ is permitted to exercise “all appropriate powers necessary to conduct fair and impartial hearings” 28

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

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))).²

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 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 therefore, the nature 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). Respondent has not opposed a stay. Therefore, Complainant’s request to stay discovery pending resolution of the Motion to Consolidate is GRANTED. The stay is limited, however, as the Court will permit the filing of dispositive motions and responses thereto provided the motions do not require discovery. The case schedule previously set by the Court is stricken, and will be reset once the stay is lifted.

SO ORDERED.

Dated and entered on August 6, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² 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>.