

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

August 8, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00104
)	
CHIME,)	
Respondent.)	
)	

Appearances: John Miano, Esq., for Complainant
Stephen H. Smalley, Esq., and Vanessa N. Garrido, 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, Chime,¹ discriminated on the basis of citizenship, in violation of 8 U.S.C. § 1324b. Respondent filed its Answer and Affirmative Defenses on July 30, 2024.

On July 30, 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 a Response to Complainant’s Motion to Consolidate, Stay Discovery, and for Leave to File a Consolidated Amended Complaint on August 5, 2024, but did not oppose the request for a stay of discovery.

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 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

¹ In its Answer, Respondent asserts that the proper name of the company is Chime Financial, Inc. Respondent may file a motion to change the case caption.

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 has not authorized discovery to begin, thus there is no discovery to stay. However, the Court agrees 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, grants a stay of proceedings, and will not set a 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. Therefore, Complainant’s request to stay proceedings pending resolution of the Motion to Consolidate is GRANTED. 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.

SO ORDERED.

Dated and entered on August 8, 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>.