

|                         |   |                             |
|-------------------------|---|-----------------------------|
| US TECH WORKERS ET AL., | ) |                             |
| Complainant,            | ) |                             |
|                         | ) | 8 U.S.C. § 1324b Proceeding |
| v.                      | ) | OCAHO Case No. 2024B00100   |
|                         | ) |                             |
| MORNINGSTAR, INC.,      | ) |                             |
| Respondent.             | ) |                             |
| _____                   | ) |                             |

## ORDER TO SHOW CAUSE

On August 8, 2024, Respondent filed a Motion for Extension of Time to file the Answer. Respondent asserted that it was served with the Complaint by certified mail on July 8, 2024, and that therefore the deadline to file an answer is August 7, 2024, and Respondent sought a 30-day extension of time to file the Answer. *See US Tech Workers et al. v. Morningstar, Inc.*, 20 OCAHO

no. 1603, 1 (2023).<sup>1</sup> The Court granted the motion on August 15, 2024, and ordered Respondent to file its Answer by September 6, 2024. *Id.* at 2.<sup>2</sup> Respondent has not filed its Answer.

Per OCAHO rules, a “[f]ailure of the respondent to file an answer within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b).<sup>3</sup> “If a default judgment is entered . . . judgment is entered for the complainant without a hearing.” *United States v. Cabello Recovery and Auction Servs., Inc.*, 18 OCAHO no. 1514, 2 (2024) (quoting *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004)); *United States v. Glen Echo Pharmacy, Inc.*, 18 OCAHO no. 1520, 2 (2024) (same).

The Court therefore ORDERS Respondent, Morningstar, Inc., to file an answer that satisfies 28 C.F.R. § 68.9(c) within twenty-one (21) days of this Order. This answer should include (1) “[a] statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation” and (2) “[a] statement of the facts supporting each affirmative defense.” 28 C.F.R. § 68.9(c)(1)–(2).

The Court FURTHER ORDERS Respondent to demonstrate good cause within twenty-one (21) days of this Order for not timely filing an answer by September 6, 2024. *See United States v. ALCO Constr., Inc.*, 18 OCAHO no. 1517, 4 (2024) (requiring a showing of good cause for failure to timely file an answer).

If Respondent does not file an answer and show good cause for its initial failure to timely file an answer, the Court may enter judgment by default against Respondent, pursuant to 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on September 17, 2024.

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Honorable Jean C. King  
Chief Administrative Law Judge

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<sup>1</sup> Citations to OCAHO precedents after volume eight, where the decision has not yet been reprinted in a bound volume, include the volume and case number of the decision. Pinpoint citations 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>.

<sup>2</sup> Complainant filed a Motion to Consolidate, Stay Discovery, and for Leave to File a Consolidated Amended Complaint on July 30, 2024. Respondent filed a Response on September 10, 2024, outside the 10-day response period provided in 28 C.F.R. § 68.11(b).

<sup>3</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).