

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

October 9, 2024

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) |                             |
| Complainant,              | ) |                             |
|                           | ) |                             |
|                           | ) | 8 U.S.C. § 1324a Proceeding |
| v.                        | ) | OCAHO Case No. 2024A00094   |
|                           | ) |                             |
|                           | ) |                             |
| TERRAPOWER, LLC,          | ) |                             |
| Respondent.               | ) |                             |
| _____                     | ) |                             |

Appearances: Margaret LaDow, Esq., for Complainant  
Diane M. Butler, Esq., for Respondent

ORDER GRANTING EXTENSION OF DISCOVERY PERIOD

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a.

On July 9, 2024, the Court held a prehearing conference in which it provided deadlines for the parties, including a deadline for discovery.

On October 9, 2024, Respondent filed its Motion to Extend Discovery Cutoff and Declaration of Diane M. Bulter in Support of Motion to Extend Discovery.<sup>1</sup> Citing 28 C.F.R. § 68.18, Respondent “moves . . . to extend the discovery cutoff . . . to enable obtaining responses to pending discovery requests and to take a deposition of a deponent who is unavailable prior to the discovery cutoff.”<sup>2</sup> Mot. Extend Discovery 1. Respondent states that on October 1, 2024, it inquired with Complainant

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<sup>1</sup> In the accompanying Declaration, Respondent supports the facts asserted in the Motion and attached the Notice of Deposition and correspondence from Complainant.

<sup>2</sup> On September 23, 2024, Respondent served a notice of deposition on Complainant, and was informed the deponent would be unavailable until after October 9, 2024. *Id.*

about filing a joint motion to extend discovery, but did not receive a response. *Id.* The extension sought is through at least October 30, 2024. *Id.*

“OCAHO’s rules ‘permit the Court to rule on the extent or frequency of discovery.’” *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450d, 7 (2023) (quoting *Heath v. Consultadd*, 15 OCAHO no. 1395a, 3 (2022)); *see also* 28 C.F.R. § 68.18(a) (“The frequency or extent of these methods may be limited by the Administrative Law Judge upon his or her own initiative . . .”). This authority includes extensions of the discovery period. *NVIDIA Corp.*, 17 OCAHO no. 1450d at 3.

With respect to extensions, the Court expects parties to provide good cause for any requested extension. *A.S. v. Amazon Web Servs.*, 14 OCAHO no. 1381f, 3 (2021). Here, Respondent made efforts to timely conduct a deposition, but the deponent was unavailable for a period of weeks. Respondent also inquired about filing a joint motion to extend discovery with Complainant but did not receive a response. Respondent has demonstrated diligence, and has articulated good cause for an extension of the discovery deadline.

The Court now sets the following revised case schedule:

|                                       |  |
|---------------------------------------|--|
| Close of discovery:                   | November 15, 2024                              |
| Dispositive motions due:              | January 10, 2025                               |
| Responses to dispositive motions due: | 30 days from the filing of dispositive motions |
| Tentative hearing:                    | May 2025                                       |
| Hearing location:                     | Seattle, WA                                    |

SO ORDERED.

Dated and entered on October 9, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge