

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

December 3, 2024

RAVI SHARMA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2022B00023
	)	
NVIDIA CORP.,	)	
Respondent.	)	
	)	

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Appearances: Ravi Sharma, pro se Complainant  
Patrick Shen, Esq., K. Edward Raleigh, Esq., and Samantha Caesar, Esq.,  
for Respondent

PREHEARING SCHEDULING ORDER

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

On November 21, 2024, the Court issued an Order Denying Respondent’s Motion for Summary Decision. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450l.<sup>1</sup>

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<sup>1</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet 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 in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

## I. PREHEARING SCHEDULE

January 6, 2025	Parties shall submit First Joint Statement informing the Court as to any stipulations of fact they desire entered into the record, and their interest in participating in the Settlement Officer Program <sup>2</sup> (and, if interested, parties may move the Court to enter the program through this First Joint Statement). <sup>3</sup>
January 27, 2025	Complainant's Prehearing Statement (explained below) due
February 17, 2025	Respondent's Prehearing Statement (explained below) due
March 3, 2025	Parties must exchange all proposed exhibits (do not file with Court) by this date and resolve any outstanding witness access issues by this date
March 24, 2025	Parties must file any motions pertaining to exclusion of proposed witnesses or exhibits by this date
Week of May 12	Prehearing Conference to be scheduled
June – July 2025	Hearing in Bay Area, CA

## II. PREHEARING STATEMENT

Each prehearing statement shall be served on the Court and opposing party as if it were a motion. Failure to identify and exhibit or witness may result in exclusion of that exhibit/ witness at hearing.

1. Opportunity to be heard on “Findings of Fact” section from the November 21, 2024 Order Denying Summary Decision. In the November 21, 2024 Order, the Court made a series of factual findings based on the record as it was submitted by the parties. In the prehearing statement, parties shall provide their position on whether any of these factual findings should be revisited at the hearing. If so, parties must identify the sub-section and number assigned to the fact at issue. They shall also state whether they intend to produce new evidence in support of their position, or whether they intend to rely on evidence already in the record.

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<sup>2</sup> This program is a no-cost, voluntary alternative dispute resolution program. Settlement discussions are subject to the confidentiality provisions of 5 U.S.C. § 574. If the parties reach a settlement, 28 C.F.R. § 68.14 applies. Both parties must submit written consent to refer this case to the Program. Further details are available at: <https://www.justice.gov/eoir/eoir-policy-manual/iv/4/7>; see also EOIR Policy Memorandum 20-16, describing the policies and procedures for use of settlement officers in OCAHO cases (<https://www.justice.gov/eoir/page/file/1300746/download>).

<sup>3</sup> The parties can ask for a referral to the Program up to 30 days prior to a scheduled hearing date.

2. Proposed Exhibit List. Complainant shall use numbers to identify proposed exhibits (i.e., Exhibit 1, Exhibit 2, etc.). Respondent shall use letters to identify proposed exhibits (i.e., Exhibit A, Exhibit B, etc.). DO NOT attach any proposed exhibits referenced in the statement, but rather ensure exhibits are described with sufficient specificity so opposing party understands the nature and origin of a proposed exhibit. While evidence attached to the Motions for Summary Decision are already part of the record, parties should carefully consider whether they want to “resubmit” exhibit.<sup>4</sup> Note the Court may separately direct parties to resubmit certain exhibits, mindful of the Court’s duty to create a clear transcript and record.
3. Proposed Witness List. Each party shall identify by name and title any individual they intend to call as a witness in this case. The witness list shall also include information on whether this witness shall provide evidence related to liability, damages, or both, and the approximate amount of time for direct examination. Parties shall ensure they have provided contact information for any witness to opposing party on or before submission of the prehearing statement. It is the expectation of the Court that parties shall have reasonable access to witnesses before the hearing to ensure an efficient and orderly hearing.
4. Other Matters: Describe any other matters that require the Court’s attention of the Court.

### III. ADDITIONAL CONSIDERATIONS

As parties prepare for hearing, they should note that no closing statements will be made at the conclusion of the hearing; rather parties will be provided an opportunity to provide a written closing statement at a later date (following certification of the verbatim hearing transcript).

Parties should also plan to present evidence on both liability and damages,<sup>5</sup> even though liability may not ultimately be established.

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<sup>4</sup> For example, if a party intends to reference a piece of documentary evidence during the hearing (perhaps during witness testimony) they may find it beneficial to identify it as a proposed hearing exhibit for ease of use or reference.

<sup>5</sup> Damages are limited in this forum. *See generally Ogunrinu v. Law Res.*, 13 OCAHO no. 1332h, 17 (2020). Compensatory and incidental damages are not approved forms of relief under the statute. *See Ogunrinu v. Law Res.*, 13 OCAHO no. 1332j, 20 (2021); *Breda v. Kindred Braintree Hosp., LLC*, 11 OCAHO no. 1225, 4–5 (2014). Pro se litigants may not be entitled to claim attorney’s fees. *Ojeda-Ojeda v. Booth Farms*, 9 OCAHO no. 1121, 4 (2006). Damage awards are discretionary. *See Iron Workers Local 455 v. Lake Constr. & Dev. Corp.*, 7 OCAHO no. 964, 632, 696 (1997) (citing 8 U.S.C. § 1324b(g)(2)(B)). Complainant must prove damages by preponderant evidence. *Zajradhara v. Ranni’s Corp.*, 16 OCAHO no. 1426d, 8 (2023). For the Court to award damages, there must be a reasonable basis for the amount. *Window Specialists, Inc. v. Forney Enters., Inc.*, 106 F. Supp. 3d 64, 92 (D.D.C. 2015). The Court cannot award damages “on the basis of mere speculation or guesswork.” *Id.*

While this case is not currently designated as an e-filing case, parties should anticipate a future requirement to file exhibits electronically with the Court. This will be discussed at the prehearing conference.

SO ORDERED.

Dated and entered on December 3, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge