

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

LEONARDA RAMIREZ,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00023
)	
SAM’S CLUB,)	
Respondent.)	
)	

Appearances: Faith E. Alvarez, Esq., for Complainant
K. Edward Raleigh, Esq., and Anna I. Perina, Esq., for Respondent

ORDER GRANTING JOINT STIPULATION
DISMISSING COMPLAINT AND PROCEEDING

I. BACKGROUND

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On November 15, 2023, Complainant Leonarda Ramirez filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent Sam’s Club discriminated against her on the basis of her citizenship status and national origin, retaliated against her, and asked her for more or different documents than required for the employment eligibility verification process, in violation of §§ 1324b(a)(1), (a)(5), and (a)(6).

Respondent filed an Answer to Complaint and a Motion to Dismiss on April 10, 2024. On April 25, 2024, Complainant filed a response to the Motion to Dismiss. On May 9, 2024, Respondent filed a reply brief, which the Court accepted through its June 4, 2024 Order. Ramirez v. Sam’s Club, 18 OCAHO no. 1525a, 3 (2024).¹ Through the same Order, the Court converted Respondent’s Motion to Dismiss to a Motion for Summary Decision with respect to the issue of the Complaint’s timeliness, as its resolution would require the Court to consider materials outside the pleadings. Id. at 3–4.

¹ 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 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 in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the U.S. Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

On December 16, 2024, the parties filed a Joint Stipulation Dismissing Complaint and Proceeding, as well as a proposed order dismissing the Complaint with prejudice. Through the joint stipulation, the parties inform the Court that they have reached a settlement agreement and, as a result, “jointly move to dismiss the Complaint and any claims brought by Complainant against Respondent in this action.” Joint Stip. 1.

II. DISCUSSION

Pursuant to 28 C.F.R. § 68.14(a)(2),² parties may seek dismissal of an action based on settlement by notifying the Administrative Law Judge that they “have reached a full settlement and have agreed to the dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.”

Here, the joint stipulation indicates that the parties, who are both represented by counsel, engaged in “[e]xtensive negotiations and discussions” which resulted in the execution of a “mutually satisfactory” settlement agreement. Joint Stip. 1. As a result, the Court finds it unnecessary to review a copy of the parties’ agreement. Moreover, because the parties “jointly move to dismiss the Complaint,” the Court finds that 28 C.F.R. § 68.14(a)(2)’s requirements have been met. *Id.* at 2. Accordingly, the parties’ Joint Stipulation Dismissing Complaint and Proceeding is GRANTED, and the Complaint is DISMISSED WITH PREJUDICE.

As a result of the dismissal, Respondent’s pending Motion to Dismiss is DENIED AS MOOT.

III. ORDERS

The parties’ Joint Stipulation Dismissing Complaint and Proceeding is GRANTED.

The Complaint is DISMISSED WITH PREJUDICE.

Respondent’s Motion to Dismiss is DENIED AS MOOT.

SO ORDERED.

Dated and entered on December 18, 2024.

Honorable John A. Henderson
Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).