

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00077
	)	
	)	
ZEBRA TECHNOLOGIES, CO.,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
K. Edward Raleigh, Esq., and Patrick Shen, Esq., for Respondent

ORDER ON MOTION TO CONSOLIDATE

I. BACKGROUND

This case arises under the antidiscrimination provisions of 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 March 19, 2024, alleging that Respondent Zebra Technologies Company discriminated on the basis of citizenship status, in violation of 8 U.S.C. § 1324b(a)(1).

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. Complainant seeks to consolidate this case with the roughly forty other cases presently pending in this Court. Respondent filed its Opposition to the Motion to Consolidate on May 24, 2024.

On May 23, 2024, Respondent filed its Motion to Dismiss and a Motion to Stay Answer Deadline Pending Motion to Dismiss and Motion to Consolidate. Complainant filed its Response to Respondent's Motion to Dismiss as Motion for Partial Summary Judgment on June 3, 2024. Respondent thereafter filed its Motion for Leave to Reply to Complainant's Response to Motion to Dismiss, along with a copy of Respondent's Reply in Support of Respondent's Motion to Dismiss as an exhibit.

On July 18, 2024, the Court issued an Order Granting Leave to Reply and Granting Stay of Answer Deadline. US Tech Workers et al. v. Zebra Techs., Co., 19 OCAHO no. 1561a (2024).

Through the Order, the Court accepted Respondent's reply brief, noting that the reply would assist the Court in ruling on the Motion to Dismiss. *See id.* at 2.

## II. LAW & ANALYSIS – CONSOLIDATION

The undersigned recently issued an order in US Tech Workers et al. v. Fifth Third Bank, 19 OCAHO no. 1550a (2024), in which the Court denied Complainant's Motion to Consolidate on the grounds that the complaints did not raise a common question of law or fact, and that even if they did, the traditional factors supporting consolidation of cases were not present in this case. The Court hereby adopts the same reasoning to DENY Complainant's Motion to Consolidate in this case.

## III. INVITATION TO PROVIDE ADDITIONAL BRIEFING ON MOTION TO DISMISS

In the undersigned's recent order denying the motion to consolidate in US Tech Workers et al. v. Fifth Third Bank, the Court noted that it reserved for another day the question of whether a claim of advertising discrimination was cognizable under § 1324b, and whether the Complainant sufficiently pled such a claim to survive a motion to dismiss under 28 C.F.R. § 68.10. The undersigned noted that it did not have the benefit of briefing from the parties on this issue. The Court now invites the parties to provide additional briefing on these questions. Any submission must be provided to the Court by no later than three weeks from the date of the issuance of this Order. The Court further notes that, excepting the invitation for additional briefing, the stay of proceedings previously entered in this matter remains in effect.

SO ORDERED.

Dated and entered on December 30, 2024.

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Honorable John A. Henderson  
Administrative Law Judge