

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

December 18, 2024

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00063
)	
PURE WATER CORP.,)	
Respondent.)	
<hr style="border: 0.5px solid black;"/>)	

Appearances: Zaji O. Zajradhara, pro se Complainant
Mark Scoggins, Esq., for Respondent

ORDER GRANTING IN PART RESPONDENT’S MOTION TO COMPEL,
SETTING UPDATED CASE SCHEDULE AND CONVERTING
CASE TO ELECTRONIC FILING

I. PROCEDURAL HISTORY

On March 7, 2024, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Pure Water Corp. Complainant alleges that Respondent engaged in citizenship status discrimination, national origin discrimination, and retaliation in violation of the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. §§ 1324b(a)(1) and (a)(5). On August 20, 2024, the Court accepted the late-filed Answer and Affirmative Defenses. *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584a (2024).¹

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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

The Court issued a Case Scheduling and General Litigation Order, setting December 3, 2024, as the deadline for all responses to discovery to be served and for any motions to compel or other discovery motions to be filed, and January 2, 2025, as the deadline for any dispositive motions. Gen. Lit. Order 2.

On October 29, 2024, Respondent filed its Motion for Summary Decision. On October 31, 2024, Complainant filed his Response to Motion for Summary Decision.²

On November 7, 2024, Respondent filed its Motion to Compel, Affidavit of Counsel and Certification Pursuant to 28 C.F.R. § 68.23(b)(4) and accompanying exhibits.³ On November 9, 2024, Complainant filed his Response to Motion to Compel and on November 13, 2024, filed his Response to Motion to Compel Resubmission Audio Transcript after the Court initially rejected an audio-visual file accompanying his response.

II. PARTIES' FILINGS – MOTION TO COMPEL AND RESPONSE

A. Respondent's Motion to Compel

In its Motion to Compel, Respondent states that it served Complainant with its First Request for Discovery, which contained three requests for production and five interrogatories, on October 4, 2024. Mot. Compel. 1-2. Respondent represents that at the meet and confer, Complainant did not confirm if he would provide discovery. *Id.* at 3. Respondent's filing is accompanied by an affidavit by Respondent's counsel which largely reiterates the facts stated in the Motion, and includes a copy of the requested discovery, the letter requesting Complainant meet and confer with Respondent's counsel, and Complainant's emailed response to the letter. Mot. Compel, Exs. A, B, C; Mot. Compel, Affidavit.

Respondent's arguments in favor of compelling discovery are largely limited to Complainant's failure to comply with the discovery requests and lack of participation in the meet and confer session. Mot. Compel 4. Respondent also argues that Complainant is aware that this forum has procedural rules, and specifically "has been informed about the rules pertaining to motions to compel" in other litigation before this Court. *Id.*

B. Complainant's Response

In his Response to Motion to Compel, Complainant argues that "Respondent's expansive discovery requests constitute a clear fishing expedition and are intended to harass and intimidate [Complainant]." Resp. Mot. Compel 2. Complainant further argues that the "requests are overly broad, unduly burdensome, and lack relevance." *Id.*

² In light of the Motion to Compel, the Court will rule on the Motion for Summary Decision in a future order.

³ On the same day, Respondent also filed a Notice of Errata correcting a typographical mistake in its Motion to Compel.

III. LEGAL STANDARDS – MOTIONS TO COMPEL AND PROTECTIVE ORDERS

A. Scope of Discovery in OCAHO Proceedings

Litigants in this forum “may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding” unless the presiding Administrative Law Judge (ALJ) limits discovery by order. 28 C.F.R. 68.18(b).⁴ The Court “has broad authority to control discovery.” *Heath v. Consultadd*, 15 OCAHO no. 1395a, 2 (2022) (quoting *United States v. Chancery Staffing Sols., LLC*, 13 OCAHO no. 1326, 3 (2019)). This includes the power “to rule on the extent or frequency of discovery.” *Id.* at 3 (citing 28 C.F.R. § 68.18)). When deciding whether to limit discovery, the Court may consider factors such as whether “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case” *United States v. Durable, Inc.*, 11 OCAHO no. 1221, 3 (2014) (quoting Fed. R. Civ. P. 26(b)(2)(C)(iii)).

B. Motion to Compel

Under OCAHO’s Rules of Practice and Procedure, a party “may move the Administrative Law Judge for an order compelling a response or inspection in accordance with the request” when “a party upon whom a discovery request is made . . . fails to response adequately or objects to the requests or to any part thereof.” 28 C.F.R. § 68.23(a). A motion to compel must include:

- (1) The nature of the questions or request;
- (2) The response or objections of the party upon whom the request was served;
- (3) Arguments in support of the motion; and
- (4) A certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure information or material without action by the Administrative Law Judge.

28 C.F.R. § 68.23(b).

Additionally, “a motion to compel must generally present arguments explaining why the requested material is reliable and relevant to deciding the legal issues presented in the case.” *Sharma v. Lattice Semiconductor*, 14 OCAHO no. 1362g, 3 (2024). Generally, “[r]elevance in discovery ‘has been construed broadly to encompass any matter that bears on, or that could reasonably lead to other matter that could bear on, an issue that is or may be in the case.’” *Austin v. Specialized Staffing*, 18 OCAHO no. 1513, 3 (2023) (quoting *United States v. Autobuses Ejecutivos, LLC*, 11 OCAHO no. 1220, 3 (2014)). It is the moving party’s burden to demonstrate relevancy. *Id.* (citing *Consultadd*, 15 OCAHO no. 1395a 2).

⁴ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO’s webpage on the United States Department of Justice’s website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

“An objecting party may ultimately defeat the motion by demonstrating that the requested material is irrelevant, or, alternatively, that ‘its probative value is substantially outweighed by unfair prejudice or confusion of issues, or by considerations of undue delay, of time, immateriality, or needless presentation of cumulative evidence.’” *Sharma*, 14 OCAHO no. 1362g at 3 (quoting 28 C.F.R. § 68.40(b)). “However, ‘[s]eparate from a party’s burden to lodge a timely objection, the Court has independent authority to decline to compel a party’s response to discovery requests.’” *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462d, 6 (2024) (quoting *Contreras v. Cavco Indus., Inc.*, 16 OCAHO no. 1440, 3 (2022)); *see also* 28 C.F.R. § 68.23.

C. Protective Order

OCAHO’s Rules of Practice and Procedure allow the presiding Administrative Law Judge (ALJ) to issue protective orders “[u]pon motion by a party or the person from whom discovery is sought, and for good cause shown[.]” 28 C.F.R. § 68.18(c). Such an order is appropriate when “justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense[.]” *Id.* The presiding ALJ may issue an order determining that, among other outcomes, the discovery may not be had, or that it may be had “only on specified terms and conditions[.]” *Id.* § 68.18(c)(1)-(2).

“[T]he standard for issuance of a protective order is high.” *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388c, 3 (2021) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324, 2 (2019)). “The moving party must ‘show some plainly adequate reason for the issuance of a protective order, and courts have required a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statement.’” *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d, 2 (2021) (quoting *United States v. Agripac, Inc.*, 8 OCAHO no. 107, 268, 271 (1998)). In determining whether good cause for a protective order exists, the presiding ALJ must “accommodate competing interests and . . . balanc[e] the harm to the party seeking protection with the importance of open proceedings.” *Facebook, Inc.*, 14 OCAHO no. 1386d at 2 (quoting *McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665-66 (1996)).

The Ninth Circuit “give[s] special consideration to the burdens imposed on nonparties” by discovery. *Pegatron Tech. Serv., Inc. v. Zurich Am. Ins. Co.*, 377 F.Supp.3d 1197, 1203 (D. Or. 2019) (citing *Dart Indus. Co. v. Westwood Chem. Co.*, 649 F.2d 646, 649 (9th Cir. 1980)).⁵ Concerns around the privacy of nonparties, when raised by a party, tend to revolve around the public disclosure of personnel records and courts have often found the appropriate remedy to be redaction rather than a blanket denial of discovery. *See, e.g., Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136-39 (9th Cir. 2003) (finding the district court abused its discretion by maintaining a seal on documents that respondent said contained nonparty medical records and personnel files when the documents could be redacted “with minimal effort.”).

⁵ Because the allegations at issue in this case occurred in the Commonwealth of the Northern Marianas Islands, the Court may look to the case law of the relevant United States Court of Appeals, here the Ninth Circuit. *See* 28 C.F.R. § 68.57.

IV. DISCUSSION – MOTION TO COMPEL GRANTED IN PART

Respondent's Motion to Compel complies with the regulatory requirements of 28 C.F.R. § 68.23(b), because the motion delineates the nature of the requests, includes evidence of the response from the Complainant, raises arguments in support of the motion, and attaches an affidavit and certification of a good faith attempt to meet and confer. Resp't's Mot. Compel, Affidavit of Counsel 1-3, Exs. A-C. Complainant's Response indicates that the parties did eventually discuss the discovery requests and that Complainant did not deliver the requested discovery. Resp. Mot. Compel 1-2; Resp. Mot. Compel Audio Transcript 2-3.

The Court will address each request for production and interrogatory in turn.

A. Requests for Production:

1. Request 1:

Respondent's first Request for Production was for "[a]ny and all documents or materials" that Complainant "relied [on] in preparing and submitting" his IER charge, "as well any and all documents or materials submitted to [IER] in relation" to the charge. Mot. Compel, Ex. A at 3.

Complainant's Response does not specifically address this request, although he argues generally that the Respondent's discovery requests are "improper, overly broad" and "irrelevant." Resp. Mot. Compel. 3.

The Court finds this request is directly relevant to the facts of the case, as it relates to the IER charge filed by Complainant. The Court therefore GRANTS Respondent's motion as to Request for Production 1. Complainant is compelled to respond to this discovery request.

2. Request 2:

Respondent's second Request for Production requests "[a]ny and all documents or materials [Complainant] submitted to [Respondent] as a part of, in relation to, or arising out of [Complainant's] alleged application for the position" including Complainant's resume, supporting documentation, and correspondence with Respondent. Mot. Compel, Ex. A at 3.

Again, Complainant does not appear to specifically address this request, beyond the general argument that the discovery requests are overly broad and irrelevant.

The Court finds that this request is directly relevant to the facts of the case. The Court therefore GRANTS Respondent's motion as to Request for Production 2. Complainant is compelled to respond to this discovery request.

3. Request 3:

Respondent's third Request for Production requests "[a]ny and all documents, materials, or exhibits which [Complainant] intend[s] to present at the Administrative Hearing" in this case. Resp't's Mot. Compel, Ex. A at 4.

Again, Complainant raised no specific arguments regarding this request.

The Court finds that this request is directly relevant to the facts of the case. The Court therefore GRANTS Respondent's motion as to Request for Production 3. Complainant is compelled to respond to this discovery request.

B. Interrogatories:

1. Interrogatory 1:

In its first Interrogatory, Respondent requests the "name, address, telephone number, and any and all other contact information for any and all persons who have personal knowledge that you met the minimum qualifications for the position" with Respondent. Mot. Compel, Ex. A. at 4.

Complainant argues that this interrogatory is "excessive and redundant, given the existing resume" and that the interrogatory is "disproportionate to the needs of the case and invades [Complainant's] privacy by requiring him to disclose third-party contact information." Resp. Mot. Compel 2. Complainant also cites to Federal Rules of Civil Procedure 26(b)(1) and 26(c)(1), the latter of which allows parties from whom discovery is sought to move for a protective order. *Id.*; Fed. R. Civ. P. 26(b)(1).

In this forum, a party from whom discovery is sought may request a protective order, which this Court has acknowledged as "a useful tool to avoid the dissemination of potentially injurious information which might, even unintentionally, jeopardize a litigant's interests in non-disclosure." *McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665 (1996). Although Complainant does not explicitly state that he is requesting a protective order against this interrogatory, he does invoke Federal Rule of Civil Procedure 26(c)(1), which allows courts to issue protective orders. Given that Complainant is pro se, the Court interprets this as a request for a protective order.

Looking at recent OCAHO case law on protective orders, this Court granted a protective order where the parties filed a Joint Stipulation requesting such an order, to protect "sensitive educational, medical, and financial records, including the records of non-parties[.]" *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464b, 2-3 (2023). Conversely, the Court denied a protective order where the requesting party "proffered nothing to demonstrate [opposing party's] inability to safeguard [sensitive] information." *United States v. Facebook, Inc.*, 14 OCAHO no. 1386a, 4 (2021).

Here, although the Court appreciates Complainant's arguments about the privacy of non-parties to the case, the information involved is significantly less sensitive than in *Talebinejad*. Basic personal contact information of non-parties that need not be shared with the Court does not rise to the level of sensitive educational, medical or financial records. Complainant also does not share any information suggesting that Respondent would not sufficiently safeguard the contact

information of the non-parties. As to the issue of Complainant's own privacy, it is difficult to see how the disclosure of contact information for third parties affects Complainant's own privacy. The Court therefore DENIES Complainant's request for a protective order.

Moreover, the Court finds this interrogatory directly relevant to the facts of the case, because it relates to Complainant's qualifications for the position. The Court does not agree with Complainant that the interrogatory is "excessive and redundant" because Complainant had already provided his resume, but the Court does agree that the request is vague and overbroad. The appropriate remedy is to limit the interrogatory rather than deny the motion to compel as to this interrogatory.

The purpose of the request is to provide contact information for individuals who are familiar with Complainant's professional skills and experiences and can knowledgeably discuss Complainant's qualifications for the position. The Court will limit this interrogatory and require Complainant to provide a list containing contact information for one individual from each employment position and/or educational or other training entity listed on the resume that shows that Complainant met the minimum qualifications for the position with Respondent. The Court is also cognizant of the need to preserve the privacy of non-parties to this case. As such, the Court finds that providing the contact's name, address, telephone number, and email address (where known and available) would be sufficient for Respondent to proceed. The Court therefore GRANTS IN PART Respondent's motion as to Interrogatory 1. Finally, Complainant's discovery responses should not be filed with this Court – therefore this contact information will not be entered into the case record. Complainant is compelled to respond to this discovery request as modified by the Court above.

2. Interrogatory 2:

In its second Interrogatory, Respondent requests that Complainant:

[I]dentify . . . each and every case, charge, or claim that you have filed between January 2012 and the date of [Complainant's] response with the CNMI Department of Labor, the U.S. District Court for the Northern Mariana Islands, the CNMI Superior Court, the U.S. Equal Employment Opportunity Commission ("EEOC"), the U.S. Department of Justice Immigrant and Employee Rights Section ("IER") . . . the Office of the Chief Administrative Hearing Officer ("OCAHO") . . . the U.S. Court of Appeals for the Ninth Circuit, and any and all other courts, tribunals, or administrative agencies of any type or nature whatsoever.

Mot. Compel, Ex. A at 4-5.

Complainant argues that "[i]nquiries into [his] other legal actions are not relevant to this specific claim . . . and are highly suggestive of harassment and intimidation tactics." Resp. Mot. Compel. 2.

This Court has previously noted that “a party’s history of civil litigation may be relevant to a party’s claim or defense” *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462d, 7 (2024). However, the Court agrees with Complainant that Respondent’s request here is overbroad and may result in the production of irrelevant documents. *See id.* Additionally, the cost and inconvenience of compiling such a list dating back to January 2012 would likely be significant for Complainant, given his pro se status. The Court also reminds Respondent that “[u]nder the Federal Rules of Evidence, evidence of a party’s involvement in prior litigation is inadmissible at trial to show litigiousness,” though it “is admissible to determine a party’s motive, state of mind, and credibility.” *Sharma*, 14 OCAHO no. 1362 at 6 (citing Fed. R. Civ. P. 26(b)(1)).

The Court will narrow this interrogatory rather than deny Respondent’s motion. Rather than every case, charge, or claim filed with the listed fora between January 2012 and the date of Complainant’s response, Interrogatory 2 will be narrowed to apply only to cases, charges, or claims filed by Complainant before *only those fora that are specifically named* (i.e., the CNMI Department of Labor, the U.S. District Court for the Northern Mariana Islands, the CNMI Superior Court, the EEOC, IER, OCAHO and the U.S. Court of Appeals for the Ninth Circuit), since December 2021. The Court GRANTS IN PART the Motion to Compel as to this interrogatory. Complainant is compelled to respond to this discovery request as modified by the Court above.

3. Interrogatory 3:

In its third Interrogatory, Respondent requests Complainant “explain” what “information to which [Complainant was] referring” in a September 29, 2024 email to Respondent’s counsel. Respondent further requests “a complete description of how you have come to know the information as well as a complete description of the persons from whom or the entities from which you have acquired the information” as well as those individual or entities’ contact information. Mot. Compel, Ex. A at 5.

In his Response, Complainant states that his “‘knowledge,’ alluded to in his email, is directly relevant to the central issue of this case – the actual structure and operational nature of [Respondent]” and that it is “key to understanding the context of the alleged discriminatory practices.” Resp. Mot. Compel. 2.

Given that both parties agree that this information is relevant to the case and that the description of Complainant’s email suggests that Complainant was asserting he has relevant information pertaining to this case, the Court GRANTS the motion to compel as to Interrogatory 3. Complainant is compelled to respond to this discovery request.

4. Interrogatory 4:

In its fourth Interrogatory, Respondent requests the “names and contact information for each and every . . . ‘federal investigator[.]’” that Complainant states he contacted regarding Respondent company and that Complainant “identify the agencies or entities with which these investigators are associated,” as well as “a complete description of any and all information” Complainant provided to the investigators. Mot. Compel, Ex. A at 6.

Complainant argues that “[d]emands for information regarding [his] communications with federal officials” violate his First Amendment rights and that the requests are “irrelevant to this case.” Resp. Mot. Compel 3. Complainant cites *NAACP v. State of Alabama ex. Rel. Patterson*, 357 U.S. 449 (1958). It is unclear, however, how Complainant’s First Amendment rights are at stake with this interrogatory. *NAACP* does indeed discuss the First Amendment right to freedom of association, but Respondent in this case is not requesting the disclosure of membership of an organization, as in *NAACP*. Additionally, Complainant has not asserted a specific privilege, such as attorney-client privilege, that would exempt this information from discovery.

Given that Complainant appears to have discussed Respondent company with federal government inspectors, this information may be relevant to this case. However, the Court does find the request as it is currently phrased to be overbroad. The Court will limit the first part of this interrogatory to the names and contact information of federal investigators with whom Complainant discussed Respondent company’s allegedly discriminatory hiring practices specifically. Complainant should identify the agencies or entities with which the investigators are associated and include a description of the information he shared regarding Respondent company’s hiring practices. Respondent’s Motion to Compel is GRANTED IN PART as to Interrogatory 4. Complainant is compelled to respond to this discovery request as modified by the Court above.

5. Interrogatory 5:

In its fifth Interrogatory, Respondent requests that Complainant “identify any and all witnesses [he] may intend to call at the Administrative Hearing in this matter.” Mot. Compel., Ex. A at 6. Complainant did not specifically address this interrogatory in his Response.

The Court finds this interrogatory relevant to the facts of this case and therefore GRANTS Respondent’s Motion to Compel as to Interrogatory 5. Complainant is compelled to respond to this discovery request.

V. COMPLAINANT’S REQUEST FOR A SUBPOENA

In his Response to Motion to Compel, Complainant says that “[t]he only legitimate discovery request concerns the Job Vacancy Announcement filed with the CNMI DOL” and “reiterates his request for a court-issued subpoena for these records and an opportunity to examine relevant CNMI DOL employees regarding these records.” Resp. Mot. Compel. 3.

Complainant’s Response to Motion for Summary Judgment includes a section labeled “Request for Subpoena” in which Complainant “requests that the Court subpoena the records from the CNMI Department of Labor in order to clarify which information Respondent is providing to the Court and to determine whether Respondents’ statements regarding its hiring practices are truthful.” Resp. Mot. Summ. J. 2.

Under OCAHO’s Rules of Practice and Procedure, OCAHO Administrative Law Judges (ALJs) “may issue subpoenas as authorized by statute” upon request by a party. 28 C.F.R. § 68.25(a). “OCAHO rules require that the ‘subpoena identify the person or things subpoenaed, the person to

whom it is returnable and the place, date, and time at which it is returnable.’” *Zajradhara v. Gig Partners*, 14 OCAHO no. 1363, 3 (2020) (quoting 28 C.F.R. § 68.25(b)). Additionally, “[w]hen a nonparty is subpoenaed, ‘the requestor of the subpoena must give notice to all parties’ The receipt of the subpoena or a copy of the subpoena constitutes ‘notice.’” *Id.*

Complainant, as discussed above, seeks a subpoena (or potentially multiple subpoenas) for CNMI Department of Labor “records” related to the Respondent business. However, it is unclear from Complainant’s request what documents he seeks to subpoena and Complainant did not provide the subpoena(s) with his response. *See Gig Partners*, 14 OCAHO no. 1363 at 3 (declining to issue a subpoena where requesting party did not make clear who he sought to subpoena or what documents he sought). Finally, “[t]o the extent Complainant seeks to move the Court to take . . . an action through” a response, “such a motion would not be considered as it would have been impermissibly filed by way of a Response.” *US Tech Workers v. BMO Bank*, 20 OCAHO no. 1586b, 1 n. 1 (2024) (citing *A.S. Amazon Web Servs.*, 14 OCAHO no. 1381j, 5 (2021)).

To the extent that Complainant’s Response to Motion for Summary Judgment is intended to be a motion requesting a subpoena, that request is DENIED.⁶

VI. COMPLAINANT’S REQUEST TO COMPEL DISCOVERY

Also in Complainant’s Response to Motion for Summary Judgment, Complainant discusses “Respondent’s failure to respond to discovery requests for payroll and banking records” and requests that the Court “[o]rder Respondent to provide the requested discovery materials.” Resp. Mot. Summ. J. 2, 3. Complainant does not, however, attach the discovery requests in question, or certify that he attempted in good faith to confer with Respondent regarding the requested discovery. Complainant has therefore failed to comply with the regulatory requirements for a motion to compel. 28 C.F.R. § 68.23; *see supra* Section III.B. Additionally, as discussed above, Complainant made this request in a response rather than as a motion, and requesting new relief in a response is not appropriate. *BMO Bank*, 20 OCAHO no. 1586b at 1 n. 1; *see supra* Section V.

For these reasons, Complainant’s request to compel discovery is DENIED.

VII. UPDATED CASE SCHEDULE

Given the partial grant of Respondent’s Motion to Compel, the Court sets the following updated case deadlines:

Complainant must respond to Respondent’s discovery requests, as modified by this Order, by January 6, 2025. Complainant is cautioned that failure to respond to Respondent’s discovery requests as ordered may result in discovery sanctions. 28 C.F.R. § 68.23(c).

⁶ If Complainant intends to seek a subpoena, he must do so by filing a motion with a properly filed subpoena form attached. The subpoena form, which is available on the Department of Justice’s website, contains instructions Complainant must follow. *See* <https://www.justice.gov/eoir/page/file/919601/dl?inline>.

Given the partial grant of the motion to compel, the Court will give Respondent the opportunity to amend its Motion for Summary Decision, following the exchange of information. Respondent's amended Motion for Summary Decision is due on: February 5, 2025.

The Court will extend Complainant's deadline to file a Motion for Summary Decision. Complainant's Motion for Summary Decision is due on: February 5, 2025.

The parties may file an opposition 30 days from the date of service of any Motions for Summary Decision.

VIII. CONDUCT OF THE PARTIES

Both parties' filings suggest that the parties' discussions were contentious and involved unprofessional language. *See* Mot. Compel 2-3, *id.*, Ex. C; Resp. Mot. Compel Resubmission Audio Transcript 2-3. The Court reminds the parties that "[a]ll persons in proceedings" before this court "are expected to act with integrity, and in an ethical manner." 28 C.F.R. § 68.35(a). Personal insults about the opposing party should not be used in submissions to this Court or in correspondence between the parties regarding this case.⁷

This Court has the power to "exclude from proceedings parties . . . and their representatives for refusal to comply with directions" and "refusal to adhere to reasonable standards of orderly and ethical conduct." 28 C.F.R. § 68.35(b). The parties are reminded to treat one another with professional courtesy while litigating before this Court.

IX. CONVERSION TO ELECTRONIC FILING

The Court has an Electronic Filing Pilot Program, through which parties may file and serve case documents by email and may receive decisions and orders issued by the Court by email. *See* OCAHO Practice Manual Chapter 3.7 (Aug. 22, 2022); *Zajradhara v. Santos Olarte*, 21 OCAHO no. 1622, 4-5 (2024) (CAHO Order). Although participation is voluntary and e-filing is generally granted only when both parties have submitted registration forms, the presiding Administrative Law Judge "may, in certain circumstances, require the parties in a particular case to electronically file documents even if the case is not enrolled in the pilot program." *Santos Olarte*, 21 OCAHO no. 1622 at 4. The Court has previously converted a case, absent objections from the parties, because of "the significant delays inherent with mail filing for both the parties and the Court," when the case was based out of Saipan. *Zajradhara v. Kang Corp.*, 19 OCAHO no. 1555, 1 (2024).

⁷ If either party has specific concerns about opposing party conduct, they may submit a motion for sanctions, as the Court has the power to sanction parties and representatives for "refusal to adhere to reasonable standards of orderly and ethical conduct" and "failure to act in good faith." 28 C.F.R. § 68.35(b). The Court looks to the ethics rules of the appropriate state bar to determine if an attorney has committed ethical violations. *Ackermann v. Mindlance*, 17 OCAHO no. 1462d, 2 n. 4 (2024).

Here, the Court issued a Notice of Conversion to Electronic Filing on September 4, 2024, giving the parties 30 days from the date of the Notice to file any objections. *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584b (2024). As more than 30 days have passed and neither party has objected to the conversion, the Court now converts the case to electronic filing.

Parties should submit all filings by email to sctc.ocado@usdoj.gov, copying the opposing party and IER. The Court will also issue all orders by email going forward. More information about electronic filing can be found on the Department of Justice's website and in the OCAHO Practice Manual Chapter 3.7.⁸

SO ORDERED.

Dated and entered on December 18, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

⁸ See <https://www.justice.gov/eoir/ocado-filing>.