

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. 2024B00049
)	
UNIVERSITY OF CHICAGO,)	
Respondent.)	
)	

Appearances: John M. Miano, Esq., for Complainant
Bobby Earles, Esq., Carly E. Gibbons, Esq., and Ryan H. Vann, 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 February 9, 2024, alleging that Respondent University of Chicago discriminated on the basis of citizenship status, in violation of 8 U.S.C. § 1324b(a)(1). Respondent filed its Answer on April 25, 2024.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. On May 24, 2024, Respondent filed its Opposition to the Motion to Consolidate.

On July 18, 2024, the Court cancelled the prehearing conference and issued a stay of discovery. US Tech Workers et al. v. U. Chicago, 19 OCAHO no. 1542a (2024). The Court found that “it would serve judicial economy and efficiency of the proceedings to stay proceedings pending adjudication of the [Motion to Consolidate].” Id. at 2.

II. ORDER DENYING MOTION TO CONSOLIDATE

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. LIFTING OF STAY

With Complainant's Motion to Consolidate now resolved, the Court is satisfied that the parties may continue to engage in discovery. Accordingly, the July 18, 2024, Stay of Proceedings is lifted.

With the stay lifted, the Court will now look to set a case schedule in the matter. The parties shall submit filings to the Court outlining their requests regarding the length of the discovery period and their requested limits on each type of discovery (e.g., a limit of 30 interrogatories per party). The Court must receive these filings by two weeks from the issuance of this order. After considering the parties' submissions, the Court will then set a case schedule by way of a subsequent order. While the Court currently does not see a need to schedule a prehearing conference in this matter, the parties may request one by way of a written motion should they so desire.

IV. ORDERS

Complainant's Motion to Consolidate is DENIED.

The stay of discovery is LIFTED.

The parties are ORDERED to submit their discovery requests by two weeks from the issuance of this Order.

SO ORDERED.

Dated and entered on January 30, 2025.

Honorable John A. Henderson
Administrative Law Judge