

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

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00040
)	
BOSTON CONSULTING GROUP (BCG), INC.,)	
Respondent.)	
)	

Appearances: John D. Miano, Esq., for Complainant
Dawn M. Lurie, Esq., and Leon Rodriguez, 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, Boston Consulting Group (BCG), Inc., discriminated on the basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). On March 27, 2024, Respondent filed its Answer.

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

On May 24, 2024, Respondent filed a Motion to Dismiss and a Motion to Stay Proceedings. Complainant filed a Response to the Motion to Dismiss as Motion for Partial Summary Judgment on May 29, 2024.

On June 10, 2024, the Court issued an Order Summarizing Prehearing Conference and Issuing Stay of Proceedings. US Tech Workers et al. v. Boston Consulting Grp. (BCG), Inc., 20 OCAHO no. 1580 (2024). In the Order, the Court declined to issue a stay of proceedings on the grounds requested by Respondent; however, it did find that “it would serve judicial economy and efficiency to issue a stay of proceeding pending adjudication of [the Motion to Consolidate

and Respondent's Motion to Dismiss]." Id. at 3. The Court accordingly ordered the proceedings stayed. Id. at 4.

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 January 30, 2025.

Honorable John A. Henderson
Administrative Law Judge