

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. 2024B00050
	)	
TRANSUNION, LLC,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Dawn 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 Transunion, LLC discriminated on the basis of citizenship status in hiring, in violation of 8 U.S.C. § 1324b(a)(1). On April 1, 2024, Respondent filed an Answer.

On May 7, 2024, Respondent filed a Motion to Dismiss, which Complainant opposed through its Response to Respondent's Motion to Dismiss, filed on May 14, 2024. Respondent filed a Motion for Leave to File a Reply Memorandum in Support of Respondent's Motion to Dismiss on May 28, 2024.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint (Motion to Consolidate). On May 28, 2024, Respondent filed an Opposition to Complainant's Motion to Consolidate, and on June 4, 2024, Respondent filed a Motion to Stay Proceedings.

On June 13, 2024, the Court issued an Order on Respondent's Motion for Leave to Reply and Issuing Stay of Proceedings. US Tech Workers et al. v. TransUnion, LLC, 20 OCAHO no. 1582 (2024). Through the Order, the Court acknowledged that it accepted Respondent's reply brief and would consider it in resolving the Motion to Dismiss. *Id.* at 2. Then, the Court stated its disinclination to stay the proceedings on the grounds proposed by Respondent

in its Motion to Stay. Id. at 3. However, it found that “given the pendency of the Motion to Consolidate and Motion to Dismiss, . . . it would serve judicial economy and efficiency to issue a stay of proceeding.” Id.

## 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. 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.

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Honorable John A. Henderson  
Administrative Law Judge