

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. 2024B00044
	)	
DISCOVER FINANCIAL SERVICES,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Sean M. McCrory, Esq., and Monica Rodriguez, Esq., for Respondent

ORDER ON MOTION TO CONSOLIDATE

I. BACKGROUND

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On February 9, 2024, Complainant, US Tech Workers, et al., filed a complaint against Respondent, Discover Financial Services, alleging that Respondent, Discover Financial Services, discriminated on basis of citizenship status in violation of 8 U.S.C. § 1324b(a)(1). Respondent filed its Answer and Affirmative Defenses on March 29, 2024.

On May 13, 2024, Complainant filed its Motion to Consolidate and for Leave to File a Consolidated Amended Complaint (Consolidation Motion). Respondent filed a Response to the Consolidation Motion on May 28, 2024.

On June 25, 2024, the Court issued an Order Summarizing Prehearing Conference and Issuing Stay of Proceedings. US Tech Workers et al. v. Disc. Fin. Servs., 20 OCAHO no. 1585 (2024). The Court found that “it would be prudent to issue a stay of proceedings in lieu of setting a case schedule, as the pendency of the Motion to Consolidate presents a bar to the Court’s ability to set an appropriate case schedule in this matter.” 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. 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 June 25, 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.

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Honorable John A. Henderson  
Administrative Law Judge