

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

January 15, 2025

RAVI SHARMA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022B00023
)	
NVIDIA CORP.,)	
Respondent.)	
_____)	

Appearances: Ravi Sharma, pro se Complainant
Patrick Shen, Esq., K. Edward Raleigh, Esq., and Samantha Caesar, Esq.,
for Respondent

NOTICE & ORDER (POST-FIRST JOINT STATEMENT)

On December 3, 2024, the Court issued a Prehearing Scheduling Order in which it provided deadlines by which parties were to complete various tasks in preparation for a hearing in summer 2025. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450m (2024).¹

Specifically, by January 6, 2025, the parties were instructed to:

[S]ubmit First Joint Statement informing the Court as to any stipulations of fact they desire entered into the record, and their interest in participating in the Settlement Officer Program (and, if

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

interested, parties may move the Court to enter the program through this First Joint Statement).

NVIDIA Corp., 17 OCAHO no. 1450m at 2.

On January 13, 2025, Complainant (acting alone), submitted a filing entitled “Complainant’s Statement to Enter Following Stipulations of Fact into the Record in Compliance with the Court’s 12/3/2024 Order.” This was not a joint filing (despite the instructions the Court provided). In this submission, Complainant stated that he had “served the attached joint statement with . . . stipulations to the respondent’s attorney” but that “Respondent does not agree to this joint statement.” Statement to Enter Stipulations 1. The attached “joint statement,” which Respondent did not join, includes six proposed “stipulations.” *Id.*, Ex. 1.

On January 13, 2025, Respondent filed a motion wherein it requested the Court “disregard” Complainant’s January 13, 2025 filing, and separately moved the Court to set a status conference.² Respondent’s motion details its attempts to confer with Complainant and produce a joint statement in conformity with the instructions provided by the Court. As the timing of Complainant’s unilateral filing makes clear, they were unsuccessful. The two filings, when taken together, cause the Court to conclude the parties do not intend to jointly propose any facts to which they could both stipulate at this time.

This conclusion is further supported by the Complainant Opposition filing received on January 15, 2025. In his opposition filing, Complainant affirms he did not agree to any of the proposed stipulations presented to him by Respondent. He also opposes a status conference.

Respondent’s motion makes clear it has concerns or seeks clarity as to the contents of the record with respect to which facts will, or will not, be considered. To that end, parties should understand that the Court has already conducted some analysis of the evidence presented through the motion practice surrounding summary decision. The result of that analysis is distilled into enumerated findings of fact contained within the Court’s November 21, 2024 Order Denying Summary Decision. While the record may still be developed further at hearing, at least at this juncture, parties can rely on those factual findings as already established in the record (again, located in the November 21, 2024 Order). Indeed, at least part of the prehearing statements is intended to allow parties an opportunity to be heard on whether any of those factual findings should be disturbed in light of any additional evidence parties may possess.

The Court’s intent when assigning the First Joint Statement was one of creating an opportunity for the parties to provide any additional facts to complement the body of established facts in the record. Complainant’s unilateral submission will not be considered because it was not jointly produced,

² Respondent also followed the Court’s instructions and opined on its position on Settlement Officer Program participation.

Additionally, on January 14, 2025, Respondent filed Respondent’s Motion to Accept Filing as Timely. The Court GRANTS this motion as the Respondent cited events outside its control (inclement weather, and Court closure on January 9, 2025) as the cause of FedEx’s delayed delivery of its filing.

and (as Respondent makes clear), Respondent stipulates to none of the proposed facts contained therein. While the exclusion of Complainant's unilaterally proposed facts from the record was inevitable, to the extent the Court is also moved to "disregard" its contents, such a motion is GRANTED.

The next task before the parties is their individual Prehearing Statements. As a reminder:

January 27, 2025 Complainant's Prehearing Statement due

February 17, 2025 Respondent's Prehearing Statement due

While the guidance for those statements was previously provided in the December 3, 2024 Prehearing Scheduling Order and again in the January 13, 2025 Order Providing Clarification & Denying Complainant Requests, for ease of reference, the guidance also appears below:

The prehearing statements are the appropriate place to:

1. Be heard on "Findings of Fact" section from the November 21, 2024 Order Denying Summary Decision. In the November 21, 2024 Order, the Court made a series of factual findings based on the record as it was submitted by the parties. In the prehearing statement, parties can provide their position on whether any of these factual findings should be revisited at the hearing. If so, parties must identify the sub-section and number assigned to the fact at issue. They shall also state whether they intend to produce new evidence in support of their position, or whether they intend to rely on evidence already in the record.
2. Provide a Proposed Exhibit List. Parties were instructed not to attach any proposed exhibits referenced in the statement, but rather ensure exhibits are described with sufficient specificity so opposing party understands the nature and origin of a proposed exhibit.
3. Provide a Proposed Witness List. Each party shall identify by name and title any individual they intend to call as a witness in this case. The witness list shall also include information on whether this witness shall provide evidence related to liability, damages, or both, and the approximate amount of time for direct examination. Parties shall ensure they have provided contact information for any witness to opposing party on or before submission of the prehearing statement. It is the expectation of the Court that parties shall have reasonable access to witnesses before the hearing to ensure an efficient and orderly hearing.
4. Inform the Court of Any Other Matters.

Respondent requests a status conference; however, it is unclear whether the contents of this Order have resolved any of the issues Respondent may have sought to discuss in a status conference. The Respondent's motion seeking a status conference is GRANTED; however, Respondent should advise the Court if (following careful review of this Order) it maintains its position that such a conference is desired.

The Court is amenable to holding a status conference either before both Prehearing Statements are due (i.e. sometime between 21-23 January 2025) or after both Prehearing Statements are due (i.e. sometime between 18-20 February 2025). Respondent should confer with Complainant before proposing several dates/ times.

As a reminder, because of the pace at which this matter now moves, parties may electronically file matters with the Court (filings must still be served on the opposing party via the mail, and the Certificate of Service must reflect all ways in which a filing is filed and served). Filings will be deemed submitted the day they are electronically filed. An electronically filed matter need not be separately mailed to the Court. Parties are encouraged to contact Court staff should they have any questions.

SO ORDERED.

Dated and entered on January 15, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge