

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 GRANTING MOTION TO STAY DISCOVERY

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 an answer to the complaint on April 25, 2024.

On January 30, 2025, the Court issued an order on the motion to consolidate, in which it denied Complainants' motion to consolidate, lifted the stay on the case, allowed the parties to continue to engage in discovery, and ordered the parties to submit filings regarding their preferences around discovery by March 3, 2025. US Tech Workers v. Univ. of Chi., 19 OCAHO no. 1542b (2025).¹

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

On February 1, 2025, Complainants filed its Motion for Leave to File an Amended Complaint, with an attached First Amended Complaint.

On February 13, 2025, Respondent filed its Motion to Stay Discovery Pending Ruling on Complainant's Motion for Leave to Amend Complaint. Respondent argues that if the motion for leave to amend is granted, it will "alter the procedural posture in this matter, as well as the breadth and nature of discovery" and noted that "Complainant do not oppose the Respondent's . . . motion[.]" Mot. Stay 1. Respondent indicates that "Complainants do not oppose the Respondent's present motion to stay discovery. Id.

II. LEGAL STANDARDS AND DISCUSSION

The Court finds it would be appropriate to stay proceedings pending adjudication of Complainants' Motion for Leave to Amend. The Court finds the Respondent's argument that if the motion to amend is granted the scope of the parties' discovery may be changed to be meritorious. Additionally, Complainants do not object, accordingly the Court finds that there would be no prejudice in granting the stay.

Accordingly, discovery in this matter is STAYED pending adjudication of Complainants' Motion for Leave to Amend.

SO ORDERED.

Dated and entered on March 14, 2025.

Honorable John A. Henderson
Administrative Law Judge