

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

February 20, 2025

VARUN MANGEWALA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00051
)	
)	
SAIL INTERNET INC.,)	
Respondent.)	
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Appearances: Varun Mangewala, pro se Complainant
 Collin D. Cook, Esq., Eryne Walvekar, Esq., and Sharice S. Valenzuela, Esq., for Respondent
 Stacey Young, Esq. and Erik Lang, Esq., for the United States

ORDER SUMMARIZING PREHEARING CONFERENCE

On February 18, 2025, the Court held a prehearing conference, during which it addressed a number of issues. The Court directed this prehearing conference after review of Complainant’s Motion to Compel Discovery¹ (which is DENIED for reasons explained below).

First, the Court granted Respondent’s motion to substitute counsel and acknowledged the Notices of Appearance filed by new counsel.

Recognizing a pro se litigant may not be familiar with the purpose or parameters of discovery, the Court provided guidance regarding discovery generally. In this forum, discovery is governed primarily by regulation (namely 28 C.F.R. §§ 68.18–23) and precedential caselaw,² and circuit caselaw. When appropriate, the Federal Rules of Civil Procedure may be used as guidance. 28 C.F.R. § 68.1.³ Moreover, there are general obligations in discovery, including obligations to preserve discoverable information and evidence, and obligations to provide that evidence when a properly formulated request is made. Access to evidence and information from the opposing party is not unlimited. For example, a party is not entitled to information that does not exist or does not exist in the preferred format of the requesting party (in other words, there is no burden to *create* or *transform* documents or information in discovery, nor is there an obligation to retrieve documents or information not in a party’s possession).

¹ Generally, the Court disfavors holding prehearing conferences when there are pending motions; however, the Court held this prehearing conference because it was clear based on Complainant’s Motion that additional guidance would assist the parties, and specifically Complainant, in moving through the discovery phase of the case.

² The Court informed the parties of OCAHO’s topical index, which can be found on the Court’s website at: https://www.justice.gov/d9/2025-02/cumulativeindex_02_2025.pdf. The topical index is a searchable document and is organized alphabetically by topic and sub-topic. The Court encourages the parties to use this free resource to review precedential decisions on topics, like discovery.

³ OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2025).

When a party requests discovery, the opposing party must decide whether to produce responsive documents or information, or object to the request.⁴ While a party may object to a request for any number of reasons, based on the filing, the Court felt it prudent to discuss objections describing requests as “vague,” “overbroad,” or “unduly burdensome.” Such objections should be viewed as the start of a discussion between parties. The legal term of art for such a discussion is “meet and confer.” Meeting and conferring is a party-to-party interaction (by any communication method) wherein objections to discovery are discussed, and ideally resolved. For context, a discovery request that elicits a “vague” objection may have that objection resolved when the requesting party provides further clarification as to what, specifically, they seek. Alternatively, an objection based on a request being “overbroad” may be resolved when the parties meet and confer and discuss the proper scope. Meeting and conferring is critical in the discovery process. If parties reach impasse over a particular request, and the requesting party files a motion, it must include evidence that memorializes the parties met and conferred. Failure to do so may result in a denial of a motion to compel. *See* 28 C.F.R. § 68.23(b)(4).

The Court noted that discovery (and litigation) must always carefully balance a Complainant’s legitimate entitlement to information against a Respondent business’ legitimate desire to ensure employee privacy.

The Court provided a more structured Discovery Schedule based on discussion with the parties:

March 28, 2025 ⁵	Produce documents/ respond to interrogatories, and/or identify documents/information to be covered by a proposed protective order
April 11, 2025	Notify the Court of a party’s intent to seek protective order
May 2, 2025	Complete meet and confer (i.e. determine whether there is impasse on any issues)
May 23, 2025	File any motions to compel (excluding deposition-related issues)
Week of June 16, 2025	Prehearing conference to discuss status of discovery

The Complainant’s Motion to Compel is DENIED in part for case management and judicial efficiency (i.e. parties would benefit from a revised discovery construct vice waiting for a ruling where parties are still providing documents and have yet to reach impasse). Further, Complainant is not prejudiced insofar as he may file a new motion to compel at the conclusion of the discovery schedule outlined above. At the conclusion of discovery, parties can anticipate 45–60 days to file any motions for summary decision.

SO ORDERED.

Dated and entered on February 20, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁴ There are other caveats and considerations that come into play when a party objects to a request in discovery mentioned in the prehearing conference. For example, if a party objects to producing certain information on the ground that the information is privileged, the objecting party should be prepared to produce a corresponding privilege log if the objection remains at issue. If information is otherwise discoverable, but there are concerns about the sensitive nature of the information, a protective order may be appropriate.

⁵ Parties need not provide any update to the Court based on this deadline; rather the Court expects the parties to adhere to the deadline so that they may remain on schedule for subsequent deadlines.