

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. 2024B00042
)	
CATERPILLAR,)	
Respondent.)	
)	

Appearances: John M. Miano, Esq., for Complainant
Leon Rodriguez, Esq. and Dawn Lurie, Esq., for Respondent

ORDER GRANTING RESPONDENT’S CONSENTED-TO
MOTION FOR EXTENSION OF SUPPLEMENTAL BRIEF DEADLINE

On January 30, 2025, the Court issued an Order on Motion to Consolidate, in which it denied Complainant’s Motion to Consolidate and ordered the parties submit briefing on the issue 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.”¹ US Tech Workers v. Caterpillar, 19 OCAHO no. 1559c, 2 (2025).² The parties had until February 21, 2025, to submit their supplemental briefs. *See id.*

On February 17, 2025, Respondent filed a Consented-To Motion for Extension of Supplemental Brief Deadline, through which it requests the Court extend the deadline to March 13, 2025. Mot. Extension 1. As a basis for the extension, Respondent cites Complainant’s recently filed motion to amend the complaint, noting that it needs additional time “to adequately consider how and whether [the motion to amend] affects the content of Respondent’s Supplemental Briefing

¹ OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2025).

² Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

to the Court and to investigate and respond to the Court’s invitation to provide additional briefing on the motion to dismiss.” Id. at 2. Complainant does not oppose the requested extension. Id.

Respondent correctly notes that OCAHO’s rules “do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” Mot. Extension 1 (citing Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021)); *see also* United States v. Black Belt Sec. & Investigations, LLC, 17 OCAHO no. 1456, 2 (2022) (holding that the party requesting the extension bears the burden of showing good cause). Here, the Court finds that Respondent has demonstrated good cause exists for the extension, and so its motion is accordingly GRANTED. Respondent has until March 13, 2025, to file its supplemental brief with the Court.

SO ORDERED.

Dated and entered on February 20, 2025.

Honorable John A. Henderson
Administrative Law Judge