

ZAJI OBATALA ZAJRADHARA,  
 Complainant,  
 v.  
 PURE WATER CORP.,  
 Respondent.

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8 U.S.C. § 1324b Proceeding  
 OCAHO Case No. 2024B00063

AMENDED ORDER FOR DISCOVERY STATUS REPORTS<sup>1</sup>

On March 7, 2024, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Pure Water Corp. Complainant alleges that Respondent engaged in citizenship status discrimination, national origin discrimination, and retaliation in violation of the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. §§ 1324b(a)(1) and (a)(5). On August 20, 2024, the Court accepted the late-filed Answer and Affirmative Defenses. *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584a (2024).<sup>2</sup>

2 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

The Court issued a Case Scheduling and General Litigation Order on September 4, 2024, setting December 3, 2024, as the deadline for all responses to discovery to be served and for any motions to compel or other discovery motions to be filed, and January 2, 2025, as the deadline for any dispositive motions. Gen. Lit. Order 2.

On October 29, 2024, Respondent filed its Motion for Summary Decision. On October 31, 2024, Complainant filed his Response to Motion for Summary Decision.

The discovery disputes began after the Motion for Summary Decision was filed with Respondent's Motion to Compel, Affidavit of Counsel and Certification Pursuant to 28 C.F.R. § 68.23(b)(4) and accompanying exhibits filed on November 7, 2024.<sup>3</sup> Complainant responded on November 7, 2024, filing his Response to Motion to Compel and a week later submitted an Audio Transcript in support of the Motion to Compel.

On December 18, 2024, the Court issued an Order Granting in Part Respondent's Motion to Compel, Setting Updated Case Schedule and Converting Case to Electronic Filing. *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584c (2024). In that Order, the Court partially granted Respondent's Motion to Compel, *id.* at 5-9, denied Complainant's request for a protective order, *id.* at 6-7, denied Complainant's request for a subpoena because it was "unclear from Complainant's request what documents he seeks to subpoena and Complainant did not provide the subpoena(s) with his response," *id.* at 10, and denied Complainant's request to compel discovery because he failed to "attach the discovery requests in question, or certify that he attempted in good faith to confer with Respondent regarding the requested discovery," *id.* at 10. The Court ordered Complainant to respond to the modified discovery requests by January 6, 2025. *Id.*

The next salvo was on December 29, 2024, when Complainant filed his Revised Response to the Court's Order to Compel, a filing that contained multiple motions, including, most relevantly, a Motion to Compel Discovery from Pure Water Corporation. Resp. Order Compel 7-10.

On January 21, 2025, Respondent filed a Motion for Sanctions and Request for Ruling on Motion for Summary Judgment Decision, stating that Complainant had failed to deliver the ordered discovery by the deadline set in the Court's December 18, 2024, Order. Mot. Sanctions 1-2. In the motion, Respondent acknowledged Complainant's December 29, 2024, filing but did not address Complainant's Motion to Compel, which was included within the filing. *Id.* at 2.

The next day, Complainant responded, again asserting that Respondent "failed to provide any substantive response" to his "repeated[] requests" for discovery. Resp. Mot. Sanctions 1.

## II. LEGAL STANDARDS AND DISCUSSION

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>.

<sup>3</sup> On the same day, Respondent also filed a Notice of Errata correcting a typographical mistake in its Motion to Compel.

“OCAHO has broad authority to control discovery.” *United States v. G-Net Constr. Corp.*, 21 OCAHO no. 1625, 1 (2024) (quoting *United States v. Chancery Staffing Sols.*, 13 OCAHO no. 1326a, 3 (2019)). Although under OCAHO’s Rules of Practice and Procedure, 28 pt. 68 (2024), “parties shall not file requests for discovery, answers, or responses thereto with the Administrative Law Judge . . . [t]he Administrative Law Judge may . . . on his or her own initiative, order that such requests for discovery, answers, or responses thereto be filed.” 28 C.F.R. § 68.6(b). The Court currently has before it two different discovery-related motions, but before it can determine whether and in what form Respondent’s request for sanctions is appropriate, the Court needs to resolve Complainant’s Motion to Compel, which Respondent has not addressed. It is unclear, based on those filings, what exact discovery requests Complainant served on Respondent, when they were served, and what responses or objections Respondent gave. Complainant has likewise not addressed whether he provided any response to Respondent’s discovery.

The party submitting a motion to compel bears the responsibility to fulfill the regulatory requirements for such a motion. *See* 28 C.F.R. § 68.23(b). Additionally, “all parties appearing before OCAHO, including parties appearing pro se, have a duty to familiarize themselves with OCAHO’s Rules of Practice and Procedure[.]” *Caballero v. Macy’s*, 20 OCAHO no. 1619, 4 (2024) (citing *Ehere v. HawaiiUSA Fed. Credit Union*, 17 OCAHO no. 1471c, 4 (2023)). Complainant bore the burden of fulfilling the regulatory requirements for a motion to compel in his December 29, 2024, Motion to Compel, which he did not do. The Court remains aware, however, that “[u]nder OCAHO case law, ‘[p]leadings filed by pro se litigants must be liberally construed.’” *United States v. R&V Steel Erectors Sys., Inc.*, 18 OCAHO no. 1501, 3 (2023) (quoting *Heath v. Optnation*, 17 OCAHO no. 1374a, 2 (2021)); *see also* *Hebbe v. Pilar*, 627 F.3d 338, 342 (9th Cir. 2010) (“[W]e . . . construe pro se filings liberally . . .”). Given Complainant’s pro se status and potentially case dispositive impact of imposing discovery sanctions, the Court seeks additional clarification about the parties’ exchange of discovery (or lack thereof).

Accordingly, the Court finds that it would facilitate the adjudication of both Complainant’s Motion to Compel and Respondent’s Motion for Sanctions to receive status reports regarding discovery from both parties.

In their individual status reports, each party should:

1. State what discovery requests each party served upon each.
2. State what discovery requests they received from the opposing party, attaching a copy of the discovery requests received.
3. State what, if any, responsive discovery they delivered in response to the opposing party’s requests, attaching a copy of any communication sharing those responses.
4. State what objections, if any, they raised with regard to any discovery requests from the opposing party, attaching evidence of the objections raised.

At this time, the Court is not seeking substantive arguments regarding the relevance of the discovery each party seeks, but rather to clarify what discovery requests and responses were exchanged and when. The parties’ status reports should focus only on the list above.

The parties are ordered to submit their discovery status reports by February 13, 2025.

SO ORDERED.

Dated and entered on February 3, 2025.

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Honorable Jean C. King  
Chief Administrative Law Judge