

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

a Response on December 23, 2024, and the Court discharged the Order to Show Cause and accepted the Answer on January 15, 2025. See Order Discharging Order to Show Cause and Accepting Answer.

Also on January 15, 2025, the Court issued a Case Scheduling and General Litigation Order; Order for Respondent to Submit E-filing Registration Form.

On February 5, 2025, Complainant left the Court a voicemail regarding this case. Complainant made a specific request of the Court regarding electronic filing. The voicemail does not indicate whether Respondent was made aware of the contents of the voicemail.

II. EX PARTE COMMUNICATION DISCLOSED

Complainant's voicemail raises concerns about ex parte communications. *See* 28 C.F.R. § 68.36.² “An ex parte communication is generally defined as ‘[a] communication between counsel or a party and the court when opposing counsel or party is not present.’” *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438e, 2 (2023) (quoting *Zajradhara v. HDH Co.*, 16 OCAHO no. 1417a, 2 (2022)) (emphasis in original). “Communications by . . . any party for the sole purpose of scheduling hearings, or requesting extension of time are not considered ex parte communications” provided the other parties are “notified of such request . . . and . . . given an opportunity to respond[.]” 28 C.F.R. § 68.36(a).

OCAHO's Rules of Practice and Procedure “strongly discourage ex parte communications, and permit the Court to impose sanctions against parties who make prohibited ex parte communications.” *Zajradhara v. HDH Co., Ltd.*, 16 OCAHO no. 1417a, 2 (2022); *see* 28 C.F.R. § 68.36(b); *Tingling v. City of Richmond*, 13 OCAHO no. 1324b, 2 (2021) (citing 5 U.S.C. § 557(d)(1)(C)). The presiding Administrative Law Judge “should provide parties the opportunity to review and comment upon the communication.” *Zajradhara v. Li Yong Hong Corp.*, 17 OCAHO no. 1472a, 2 (citing *Tingling*, 13 OCAHO no. 1324b, at 2).

Here, Complainant's voicemail is an ex parte communication. The voicemail was not left for the sole purpose of scheduling a hearing or requesting an extension of time. *See* 28 C.F.R. § 68.26(a). Complainant's voicemail requests action by the Court regarding electronic filing and Respondent's conduct with no notice to all parties, or opportunity for all parties to respond.

The Court now discloses Complainant's voicemail by affixing a transcription of the February 5, 2025, voicemail at Appendix A. The Court will allow Respondent twenty-one days from the date of this Order to provide any response to the February 5, 2025, voicemail it deems appropriate.

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>.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO's webpage on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

The Complainant has been admonished many times before, *see Zajradhara v. HDH Co., Ltd.*, and *Zajradhara v. Li Yong Hong Corp, supra*, is apparently aware of the prohibition, yet persists in calling this Court. The Court puts Respondent on notice that any further ex parte communications will result in sanctions. The Court also admonishes Complainant not to use expletives in communications with the Court or opposing party. “All persons appearing in proceedings before an Administrative Law Judge are expected to act with integrity, and in an ethical manner.” 28 C.F.R. § 68.35(b). Parties must act with courtesy towards Court staff and other parties.

III. CASE CONVERTED TO ELECTRONIC FILING

On January 15, 2025, the Court ordered Respondent’s counsel to submit his e-filing registration form. To date, Respondent’s counsel has yet to do so. Contrary to Complainant’s voicemail, it has not yet been a month since the Court’s order. Nevertheless, the confusion and mail delays that arise from the parties location in Saipan propel the Court to resolve this issue.

“Although participation” in OCAHO’s electronic filing pilot program “is voluntary and typically allowed only when both parties in a case elect to participate and complete the necessary certification, OCAHO adjudicators may, in certain circumstances, require the parties in a particular case to electronically file documents even if the case is not enrolled[.]” *Zajradhara v. Santos Olarte*, 21 OCAHO no. 1622, 4-5 (2024) (CAHO Order). This Court has previously converted cases to electronic filings when the location of the parties means there are “significant delays inherent with mail filing for both the parties and for the Court.” *Zajradhara v. Kang Corp.*, 19 OCAHO no. 1555, 1 (2024); *see also Nazarenko v. SupportYourApp, Inc.*, 19 OCAHO no. 1532b, 3-4 (2024) (accord).

Where this ALJ is confident that it has a bona fide email address for both parties and can communicate with both parties by email, despite the lack of e-filing form, and the lack of e-filing creates delays, the Court will convert the case to electronic filing unless one or both parties objects in a written filing to the Court. This is such a case. However, where the Court does not have an email address for both parties, and/or has not received any communication from a party, the Court will not do so.

The parties have 30 days from the date of this Order to file any objections to the conversion. The Court will use # # # # for Complainant and # # # # # for Respondent’s counsel. If either party would prefer a different email address be used, they may so indicate in a filing to the Court, within thirty days of the date of this Order.

The Court issues this Order both by mail and electronically to ensure that the parties are in receipt of the Court’s order and may object as they deem appropriate.

IV. CASE SCHEDULE

Given the contents of Complainant's voicemail, the Court also reminds the parties of the current case deadlines in effect:

Discovery requests must be served at least 30 days before, responses to discovery must be served by, and any motions to compel or other discovery motions must be filed by **April 15, 2025**.

Dispositive motions are due **May 15, 2025**.

Oppositions to dispositive motions are due **30 days after the filing of any dispositive motion**.

Tentative hearing date in **September 2025**.

SO ORDERED.

Dated and entered on February 11, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

APPENDIX A

Voicemail to the Office of the Chief Administrative Hearing Officer

Received February 6, 2025

<<START>> 0:00

Hello, yes, this is Zaji Zajradhara. I'm calling with regards to EFG Pacific Holdings, LLC, Case number 2024B0000107.

Since for a few months now, the attorney for EFG Pacific Holdings has not, I repeat has not, filed their electronic filing. But they repeatedly tell me via the phone that they're going file for it by email, they're going to file their electronic filing, as well as they keep telling me they're talking to their client about settling this matter instead of it going forward.

I know that I'm not supposed to call and tell you this, but I noticed that, uh, response time for me, and my response is fast approaching, I just want to memorize this. Make a memorial. And then I got an email I just sent them today and said stop using delay tactics and answer with the, oh, are you guys settling or what?

So I just want the Court to know what's going on over here in the CNMI. All the illegal [expletive] they doing over here. These are attorneys now. They represent the court. And this is the type of stuff they do over here.

Again, I again, in the strongest terms, I am asking the Court that please do something about these people not filing their electronic filing. I don't have the money to file by post. I just don't. Okay? Thank you very much. This is Zaji Zajradhara. [Phone number redacted]. Bye-bye.

<<END>> 01:47