

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00102
	)	
UL LLC d/b/a UL SOLUTIONS, INC.,	)	
Respondent.	)	
	)	

<sup>1</sup> OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2025).

such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties.” This OCAHO Rule is similar to Rule 15 of the Federal Rules of Civil Procedure, a permissible guidance in OCAHO proceedings. *See* 28 C.F.R. § 68.1; *Talebinejad v. MIT*, 17 OCAHO no. 1464a, 2 (2023) (quoting *United States v. Valenzuela*, 8 OCAHO no. 1004, 3 (1998)).<sup>2</sup> Rule 15(a)(2) provides that a party may amend its pleading only with the opposing party’s written consent or with the court’s leave. Further, “[t]he court should freely give leave when justice so requires.” “Reasons for finding that leave should not be granted include ‘undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of amendment.’” *Airborne Beepers & Video, Inc. v. AT&T Mobility LLC*, 499 F.3d 663, 666 (7<sup>th</sup> Cir. 2007) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

Complainant seeks to amend the Complaint to “shift from notice pleading to fact pleading to add factual details to the complaint.” Mot. 1. Complainant asserts that the amended complaint merely adds factual detail rather than any new claims, thus there is no prejudice to Respondent. Mot. 4. In balancing these interests, the Court notes that Respondent has not filed a motion to dismiss in this case and has not responded to the motion to amend. Complainant promptly filed the motion to amend the complaint, and the Court is not aware of any dilatory motives. The Respondent has not sought to test the viability of the Complaint at this juncture. Complainant has not sought to add any new claims, and thus Respondent has had ample notice of the issues in the case. *See Griffin v. All Desert Appliances*, 14 OCAHO no. 1370, 1–2 (2020). Consistent with the policy that leave to amend should be freely given, the Court will GRANT the motion to amend the Complaint. The First Amended Complaint is the operative complaint in this matter.

The Court recognizes that this decision is issued near the end of the discovery period. The parties may file a motion March 7, 2025, to extend the discovery period for a reasonable amount of time, if necessary.

SO ORDERED.

Dated and entered on February 27, 2025.

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Honorable Jean C. King  
Chief Administrative Law Judge

<sup>2</sup> 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>.