

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

February 10, 2025

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2025B00009
)	
)	
GENSLER,)	
Respondent.)	
)	

Appearances: John Miano, Esq., for Complainant
Eric S. Bord, Esq., Hannah Fisher, Esq., and Thomas H. Severson, Esq., for Respondent

ORDER GRANTING JOINT MOTION FOR EXTENSION AND RESPONDENT’S
UNOPPOSED MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL¹

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b.

On October 9, 2024, Complainant, US Tech Workers, filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Gensler. Complainant alleges Respondent discriminated based on citizenship status in violation of 8 U.S.C. § 1324b. On December 26, 2024, Respondent filed “Respondent Gensler’s Unopposed Motion for Extension of Time to File Responsive Pleading.” The Court granted Respondent’s motion, setting the Answer deadline for February 5, 2025.

On February 5, 2025, the parties filed a “Joint Motion for Extension of Time for Respondent Gensler to File Responsive Pleading,” requesting an extension of time because Respondent’s outgoing counsel, Eric L. Mackie, “recently departed . . . the firm” and “a brief additional 10-day extension is needed to facilitate the transition of this matter to Respondent’s new counsel, Thomas H. Severson.” Joint Mot. Extension 2. The motion notes “Complainant has no objection.” Respondent requests an Answer deadline of February 17, 2025.

¹ This Order shall be served electronically, even though this case has not been approved for e-filing. There is a possibility of inclement weather at or near Falls Church, VA, which may delay mail service. Electronic service ensures parties receive the Order as expeditiously as possible given the short deadlines contained therein.

Here, the parties ask for an extension of time to file an answer in advance of the deadline, and provides good cause for the extension, noting that Respondent’s counsel’s departure and the need to transition the matter to an incoming Respondents’ counsel.² The parties demonstrate diligence in making the request timely, and the amount of time is reasonable based on the proffered issues. *See, e.g., United States v. Brulotte Farms, Inc.*, 19 OCAHO no. 1527, 1–2 (2024).³ Further, the motion was joint, with both parties’ counsel signing, Joint Mot. Extension 3, and including evidence of Complainant’s assent, *id.*, Ex. A.

Respondent’s Motion for Extension is GRANTED; the Answer is now due on February 17, 2025.

Respondent filed a second motion on February 5, 2025, to wit: “Respondent Gensler’s Unopposed Motion for Withdrawal of Eric L. Mackie and Substitution of Thomas H. Severson as Counsel.” Eric L. Mackie departed the firm and requests his withdrawal and substitution of Thomas H. Severson as counsel.

OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), provide that “[w]ithdrawal or substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion.” 28 C.F.R. § 68.33(g). Respondent has satisfied the regulatory requirement to withdraw Eric L. Mackie and substitute Thomas Severson as counsel.

The Motion to Withdraw and Substitute Counsel is GRANTED.

SO ORDERED.

Dated and entered on February 10, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² “OCAHO’s Rule of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States v. Space Exploration Techs.*, 18 OCAHO no. 1499, 5 (2023) (internal quotations omitted).

³ 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 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>.