

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

April 1, 2025

ZAJI ZAJRADHARA,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00013
)	
JIN JOO CORPORATION,)	
Respondent.)	
)	

Appearances: Zaji O. Zajradhara, pro se Complainant
Stephen J. Nutting, Esq., for Respondent

ORDER DENYING RESPONDENT'S MOTION FOR PROTECTIVE ORDER &
PROVIDING GUIDANCE ON DISCOVERY

I. PROCEDURAL HISTORY

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

On October 17, 2023, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Officer (OCAHO) against Respondent, Jin Joo Corporation.

On January 8, 2025, Respondent filed an Answer.

On March 19, 2025, Respondent filed a Motion for an Order of Protection. In it, Respondent argues that “Complainant’s discovery requests include excessive and irrelevant inquiries[.]” Mot. Protection 1. Respondent argues that the requests are, variously, “overbroad and irrelevant,” “contain confidential business information unrelated to Complainant’s claims,” “could involve privileged . . . communications,” and “an unreasonable invasion of privacy.” *Id.* at 2. Respondent therefore requests “an Order limiting Complainant’s discovery request to relevant, non-privileged matters directly related to the discrimination claims[.]” *Id.* at 3. Respondent does not include a proposed protective order or state whether he consulted Complainant prior to filing the motion.

Complainant filed an opposition to Respondent's Motion,¹ arguing "Respondent seeks to block critical discovery requests that are essential" to proving his claim. Resp. Mot. Protection 1. He further argues that Respondent "fails to meet the 'good cause' threshold" for a protective order[.]"

While Respondent's motion seeks a protective order, its contents seem more akin to a defensive position taken when an opposing party seeks Court intervention in discovery (which has not transpired here). A protective order may later be appropriate in this case, but in exercising its discretion to manage cases through litigation, the Court declines to issue one at this juncture.

II. GUIDANCE ON DISCOVERY

Based on Respondent's submission and Complainant's opposition, additional guidance may benefit the parties as they proceed through discovery.

A. Discovery, Objections, and Privileges

Litigants "may obtain discovery regarding any matter, not privileged,² which is relevant to the subject matter involved in the proceeding" unless the presiding Administrative Law Judge limits discovery by order. 28 C.F.R. 68.18(b).³ "Relevance 'broadly encompass[es] any matter that bears on, or that could reasonably lead to other matter that could bear on, an issue that is or may be in the case.'" *A.S. v. Amazon Webservices Inc.*, 14 OCAHO no. 1381j, 4-5 (2022) (internal citations omitted).⁴

¹ Complainant also raises new, unrelated, arguments in his opposition filing. "An opposition filing or a response to a motion should address the issues raised only by the moving party," and "[r]equesting new relief in a response to a motion strips the original moving party from an opportunity to respond." *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381f, 3 (2021). For these reasons any motions made by way of opposition filing are DENIED.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), do not define privilege. The Court may look to the Federal Rules of Civil Procedure at Federal Rule 26(b) and case law interpreting that rule. *See* 28 C.F.R. § 68.1; *see also* 28 C.F.R. § 68.56.

³ 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>.

⁴ 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>.

Parties served with discovery requests for documents may “object[]” to the request “in whole or in part, in which case the reasons for objection shall be stated.” 28 C.F.R. § 68.20(e)(2). Additionally,

[t]he party objecting to the discovery “must articulate its objections in specific terms and has the burden to demonstrate that its objections are justified.” *United States v. Employer Sols. Staffing Grp. II, LLC*, 11 OCAHO no. 1234, 3 (2014) (citing *United States v. Allen Holdings, Inc.*, 9 OCAHO no. 1059, 5 (2000)). A party who fails to timely object or provide adequate rationale for the objection waives said objection. *Id.* (first citing *United States v. Westheimer Wash Corp.*, 7 OCAHO no. 989, 1042, 1045 (1998); then citing *In re United States*, 864 F.2d 1153, 1156 (5th Cir. 1989); and then citing Fed. R. Civ. P. 33(b)(4)). “Generalized or conclusory assertions of irrelevance, overbreadth, or undue burden are not sufficient to constitute objections.” *Allen Holdings, Inc.*, 9 OCAHO no. 1059, at 5 (citations omitted).

Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc., 15 OCAHO no. 1388d, 3 (2021).

A party may claim a privilege but “has the burden to demonstrate the privilege applies in the particular circumstances of the case.” *United States v. Garza*, 4 OCAHO no. 644, 472, 477 (1994). Under Federal Rule of Civil Procedure 26(b)(5), a party claiming a privilege must “expressly make the claim” of the privilege and “describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing itself information privileged or protected, will enable other parties to assess the claim.”

Further, “[a] party asserting a privilege has the burden of demonstrating its applicability.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324b, 3 (2021) (quoting *NLRB v. Interbake Foods, LLC*, 637 F.3d 492, 502 (4th Cir. 2011)); accord *De Leon v. Longoria Farms*, 13 OCAHO no. 1320, 2 (2019) (quoting *EEOC v. BDO USA, LLP*, 876 F.3d. 690, 695 (5th Cir. 2017)).

Finally, a party claiming a privilege “over otherwise discoverable information or documents . . . should be prepared to produce a privilege log (or its equivalent).” *United States v. Terrapower*, 19 OCAHO no. 1548c, 2 (2024). “The point of [a privilege] log is to create a sufficiently detailed record of the specific document at issue, including, but not limited to: date of creation/dissemination, author, recipient(s) (and if a recipient is a “cc” or “to” recipient), a summary of the document’s content, and sufficient information to show all elements of the privilege or protection” claimed. *United States v. Terrapower*, 19 OCAHO no. 1548f, 11 n.14 (2025).

B. Compelling Discovery

“Parties may move the Court for an order compelling a response if the party upon whom a discovery request is made fails to respond adequately, including evasive or incomplete responses, or otherwise objects to any part of the request.” *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510f, 3 (2024) (citing 28 C.F.R. § 68.23(a), (d)).

A motion to compel discovery must include:

- (1) The nature of the questions or request;
- (2) The response or objections of the party upon whom the request was served;
- (3) Arguments in support of the motion; and
- (4) A certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure information or material without action by the Administrative Law Judge.

28 C.F.R. § 68.23(b).

C. Protective Orders

OCAHO’s Rules of Practice and Procedure permit issuance of protective orders “[u]pon motion by a party or the person from whom discovery is sought, and for good cause shown[.]” 28 C.F.R. § 68.18(c). The ALJ may issue such an order when “justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense[.]” *Id.*

A protective order may, among other options, determine that the requested discovery may be had “only on specified terms and conditions[.]” *Id.* § 68.18(c)(1)-(2). Protective orders can assist in ““avoid[ing] the dissemination of potentially injurious information which might, even unintentionally, jeopardize a litigant’s legitimate interests in non-disclosure’ and [can assist in] ‘encouraging the cooperation of litigants in providing sensitive information by ensuring some protection to those interests.” *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d, 2 (2021) (quoting *McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665 (1995)). The party requesting a protective order “must ‘show some plainly adequate reason⁵ for the issuance of a protective order[.]’” *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584c, 4 (2024).⁶

⁵ If information sought is truly irrelevant, it is defensible to withhold it in discovery (vice requesting a protective order to cover irrelevant information). Similarly, if information sought is truly subject to a privilege (and other procedural steps are followed), it is defensible to withhold it in discovery (vice waiving the privilege and then requesting a protective order).

⁶ For example, the Court previously granted a protective order where the parties filed a Joint Stipulation requesting a protective order over “sensitive educational, medical, and financial records, including the records of non-parties[.]” *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464b, 2-3 (2023).

III. MOTION FOR PROTECTIVE ORDER DENIED

A protective order, as contemplated by Respondent, might be little more than a recitation of the pre-existing standards in regulation and precedential OCAHO caselaw. While Respondent is not precluded from requesting a protective order again, at this juncture, the Court declines to issue one. The motion is DENIED. Parties are encouraged to meet and confer over any remaining discovery disputes. Because it is clear there are discovery disputes ongoing, and because this Complainant is pro se, the Court now expressly provides the following revised case schedule:

Motion(s) to Compel Deadline	May 30, 2025
Response to Motion(s) to Compel Deadline	June 20, 2025
Motion for Summary Decision	September 26, 2025

Parties should carefully review OCAHO's Rules of Practice and Procedure, 28 C.F.R. §§ 68.18-68.22.⁷ If they reach impasse on an issue, then the requesting party may submit a motion to compel.⁸ If the moving party (in that scenario) were successful, the party compelled may request a protective order prior to turning over information or documents.

SO ORDERED.

Dated and entered on April 1, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

By contrast, the Court has denied protective orders where the moving party failed to demonstrate the requesting party would be “[unable] to safeguard [sensitive] information,” *United States v. Facebook, Inc.*, 14 OCAHO no. 1386a, 4 (2021), and where the discovery requested consisted of basic contact information for non-parties, which “[did] not rise to the level of sensitive educational, medical or financial records” of non-parties, *Pure Water*, 20 OCAHO no. 1584c, at 6.

⁷ As a reminder, the parties must cooperate with each other in honoring discovery requests and should meet and confer over any discovery disputes prior to requesting the Court's intervention. See 28 C.F.R. § 68.23(b)(4). Additionally, a party may claim a privilege but “has the burden to demonstrate the privilege applies in the particular circumstances of the case.” *United States v. Garza*, 4 OCAHO no. 644, 472, 477 (1994).

⁸ Any party submitting a motion to compel should, as required in 28 C.F.R. § 68.18(b), explain the opposing party's response or objections (including any privileges invoked).