

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

UNITED STATES OF AMERICA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	
)	OCAHO Case No. 2024A00030
RITALKA, INC.,)	
)	
Respondent.)	
_____)	

Appearances: Kenneth Knapp, Esq., for Complainant
Kayla Ruikkie, Esq., for Respondent

ORDER GRANTING RESPONDENT'S MOTIONS TO EXTEND DEADLINE FOR
INITIAL DISCLOSURES AND PREHEARING STATEMENTS AND
RESCHEDULE PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

On January 3, 2024, the United States Department of Homeland Security, Immigration and Customs Enforcement filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, RITALKA, Inc., violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. On February 15, 2024, Respondent filed Respondent's Answer to Complainant's Complaint.

On March 7, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference, directing the parties to make their initial disclosures and file their prehearing statements by March 28, 2025, and scheduling an initial prehearing conference pursuant to 28 C.F.R. § 68.13¹ on April 22, 2025.

¹ OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024), are available on the United States

On March 11, 2025, Respondent filed an Uncontested Motion for Extension of Time for Filing Prehearing Statement of Position and Initial Disclosures. Respondent stated that it was requesting an extension of time to make initial disclosures and file prehearing statements “[d]ue to pre-scheduled travel outside of the country from March 21 to March 29[.]” Mot. Extension 1. Respondent represented that Complainant had consented to an extension through April 14, 2025. *Id.* Respondent noted that the “requested extension will not unduly prejudice any party nor cause unnecessary delay in these proceedings.” *Id.*

Also, on March 11, 2025, Respondent filed an Uncontested Motion to Reschedule Initial Telephonic Prehearing Conference. In the motion, Respondent’s counsel represented that there was “a scheduling conflict that cannot be rescheduled on the same date and covering the same time” as the scheduled prehearing conference in this case. Mot. Reschedule 1. Respondent stated that it had notified Complainant’s counsel of the motion and that “they consent to the extension.” *Id.* Respondent then asked the Court to reschedule the prehearing conference to one of three proposed dates. *Id.*

II. RESPONDENT’S MOTIONS TO EXTEND DEADLINE AND RESCHEDULE PREHEARING CONFERENCE

Pending before the Court are (a) Respondent’s Uncontested Motion for Extension of Time for Filing Prehearing Statement of Position and Initial Disclosures and (b) Respondent’s Uncontested Motion to Reschedule Initial Telephonic Prehearing Conference. Through its motion to extend time, Respondent moves the Court to change the deadline to make initial disclosures and file prehearing statements of position from March 28, 2025, to April 14, 2025, given that Respondent’s counsel has “pre-scheduled travel outside the country.” Mot. Extension 1. Further, through its motion to reschedule, Respondent moves the Court to reset the initial prehearing conference from April 22, 2025, to a date later that week due to a scheduling conflict on the part of its counsel. Mot. Reschedule 1.

Under OCAHO’s Rules of Practice and Procedure for Administrative Hearings, “[c]ontinuances shall only be granted in cases where the requester has a prior judicial

Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

commitment or can demonstrate undue hardship, or a showing of other good cause.” 28 C.F.R. § 68.27(a). When considering whether to grant a party’s request to extend the deadline for the filing of prehearing statements and reschedule a prehearing conference, this Court has “consider[ed] the agreed nature of the requests . . . the length of the extension of time . . . being sought,” and whether the “requested extensions are reasonable and appropriate[.]” *United States v. Muniz Concrete & Contracting, Inc.*, 19 OCAHO no. 1535b, 5 (2024).²

The Court finds that good cause exists here to grant Respondent’s motions due to Respondent’s counsel’s travel outside the United States, *see* Mot. Extension 1, and what she represents is “a scheduling conflict that cannot be rescheduled” on the same date and at the same time as the prehearing conference in this case. Mot. Reschedule 1. While it is unknown if this scheduling conflict is a prior scheduled court appearance in a different judicial forum, *see* 28 C.F.R. § 68.27(a), the Court is persuaded by Complainant’s consent to both requests, the fact that this is the parties’ first request for additional time or to reschedule a setting in this matter, the relatively limited amount of additional time sought, and the timeliness of both requests which were made well in advance of the Court’s deadline and the date of the initial prehearing conference. The Court finds that the requested extension of time to make initial disclosures and file prehearing statements and the requested continuance of the prehearing conference by one to three days will not unnecessarily delay these proceedings. The Court now grants both motions.

The parties’ deadline to make initial disclosures and file prehearing statements of position with the Court is extended from March 28, 2025, to April 14, 2025. Further, the initial telephonic prehearing conference in this case scheduled for

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 after 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 “FIM-OCAHO,” the LexisNexis database “OCAHO,” or on OCAHO’s homepage on the United States Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Tuesday, April 22, 2025, is rescheduled to Wednesday, April 23, 2025, at 11:30 a.m. Eastern Standard Time.

III. ORDERS

IT IS SO ORDERED that the Uncontested Motion for Extension of Time for Filing Prehearing Statement of Position and Initial Disclosures filed by Respondent, RITALKA, Inc., is GRANTED, and the parties shall make their initial disclosures and file their prehearing statements with the Court by April 14, 2025; and

IT IS FURTHER ORDERED that Respondent's Uncontested Motion to Reschedule Initial Telephonic Prehearing Conference is GRANTED, and the initial telephonic prehearing conference in this matter is rescheduled to Wednesday, April 23, 2025, at 11:30 a.m. Eastern Standard Time. Both parties shall attend the prehearing conference by calling telephone number 1-888-585-9008 and entering conference room number 962-346-066.

SO ORDERED.

Dated and entered on March 26, 2025.

Honorable Carol A. Bell
Administrative Law Judge