

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

March 27, 2025

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00123
)	
)	
WHOLESALE TIRE AND WHEEL)	
DISTRIBUTORS, LLC.,)	
Respondent.)	
)	

Appearances: Lisa Dubowski, Esq., for Complainant
Heidi Nunn-Gilman, Esq., and Julie A. Pace, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO EXTEND DISCOVERY AND DISPOSITIVE
MOTION DUE DATE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on August 8, 2024. Complainant alleges that Respondent violated 8 U.S.C. §§ 1324a(a)(1)(B) and 1324a(a)(2). On September 25, 2024, Respondent filed an answer.

On October 30, 2024, the Court held an initial prehearing conference in this matter, during which it set a case schedule. Per that schedule, the parties' deadline to conduct discovery and file discovery-related motions is March 31, 2025, while their deadline to file dispositive motions is April 30, 2025. Oct. 31, 2024 Order Summ. Preh'g Conf. 2.

On March 24, 2025, the parties filed a Joint Motion to Extend Discovery and Dispositive Motion Due Date. Through the motion, the parties request "a thirty-day extension of the current discovery and dispositive motion deadlines" to "accommodate further settlement discussions and proper review of discovery responses." Mot. Extension 2.

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings¹ do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States v. Space Expl. Techs. Corp.*, 18 OCAHO no. 1499, 5 (2023).² This includes a request to modify a discovery date. *See R.S. v. Nvidia Corp.*, 17 OCAHO no. 1450a, 3 (2022)(citations omitted). In the context of extending the time for discovery, courts “primarily consider the diligence of the party seeking the amendment.” *Id.* at 4 (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (citations omitted).

This the first request for an extension, the filing is joint, and there is nothing in the record to suggest a lack of diligence. Further, the Court has recognized “the well-established judicial policy preference in favor of settlement agreements over litigation.” *United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 14 (2023) (CAHO order) (citing, *inter alia*, *S. v. Neiman Marcus Grp.*, 13 OCAHO no. 1323, 4 (2019)). Therefore, the Court finds the parties have demonstrated good cause for the requested extension. Accordingly, the parties’ joint motion is GRANTED. The case schedule is revised as follows:

- Discovery closes: April 30, 2025
- Dispositive motions due: May 30, 2025
- Opposition to dispositive motions due: June 30, 2025
- Tentative Hearing September 2025

SO ORDERED.

Dated and entered on March 27, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

¹ Found at 28 C.F.R. pt. 68 (2024).

² 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>.