

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

January 20, 1995

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. 1324a Proceeding
) OCAHO Case No. 94A00158
MARVLEE, INC.,)
Respondent.)
_____)

ORDER GRANTING COMPLAINANT'S MOTION TO COMPEL
RESPONSES TO COMPLAINANT'S FIRST INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

On December 29, 1994, complainant, acting by and through the Immigration and Naturalization Service (INS), filed an unopposed pleading captioned Motion to Compel Responses to Complainant's First Interrogatories and First Request for Production of Documents, requesting therein that the undersigned issue an Order compelling the respondent to answer complainant's First Interrogatories and to provide the documents requested in complainant's First Request for Production of Documents.

In support of its Motion to Compel, complainant asserts that on October 26, 1994, complainant initiated its discovery by propounding written interrogatories to respondent and also requesting production of specific documents.

Under the pertinent procedural regulations governing discovery in cases involving unlawful employment of aliens, respondent had 30 days from the date of service of those discovery requests in which to have responded. 28 C.F.R. §§ 68.19(b), 68.20(b). Because the discovery requests were served by mail, that response period was increased by five (5) days, making respondent's reply due by November 30, 1994. 28 C.F.R. § 68.8(c)(2). Complainant asserts in its motion that to date it has received no response or objection to any of its discovery requests.

Accordingly, complainant requests that an order be issued compelling respondent to file responses to its First Interrogatories and First Request for Production of Documents.

The pertinent procedural regulation provides that if a party upon whom a discovery request is made fails to respond or object to such request, the discovering party may move the administrative law judge for an order compelling a response. 28 C.F.R. § 68.23(a).

Because respondent has failed to respond or object to complainant's discovery requests in a timely manner, complainant's December 29, 1994 Motion to Compel Responses to Complainant's First Interrogatories and First Request for Production of Documents is granted, in accordance with the provisions of 28 C.F.R. Section 68.23(a).

Accordingly, respondent is hereby ordered to provide written answers to all interrogatories propounded by complainant, and to provide complainant with copies of all requested documents, and to have done so with 15 days of its acknowledged receipt of this Order.

In the event that respondent fails to fully comply with the provisions of this Order, appropriate sanctions will be imposed, in accordance with the provisions of 28 C.F.R. Section 68.23(c).

JOSEPH E. MCGUIRE
Administrative Law Judge