

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

April 21, 2025

US TECH WORKERS ET AL., ¹)	
Complainant,)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2025B00009
GENSLER,)	
Respondent.)	
)	

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

ORDER GRANTING IN PART MOTION TO RECAPTION COMPLAINT

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers et al., filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Gensler on October 9, 2024. Respondent filed an Answer on February 11, 2025.

On April 1, 2025, Complainant submitted a filing entitled “Motion to Recaption First Amended Complaint,” requesting to remove one complainant from the case caption who no longer wishes to participate in the action and to strike paragraphs of the Complaint pertaining to that individual. Mot. Recaption 1-2.

On April 11, 2025, Respondent filed a Notice of Respondent’s Lack of Opposition to Complainant’s Motion to Recaption Complaint, in which it noted that there is no First Amended Complaint in this case, but also stated that Respondent “has no objection to strike references to [the complainant no longer participating in the matter] from the Complaint.” Not. Recaption 3.

Complainant seeks to modify the Complaint in two ways. First, and most straightforward, is a change to the case caption. This portion of the motion is GRANTED. Parties shall use the newly proposed case caption on all filings moving forward (as it appears in this Order).

¹ “Et al.” refers to the following named individuals: John Broberg, John Robert, John Donaldson, John Dale, Steve Ellwood, Riley Byrd, Jeff Odgis, and Nathan Overbey.

The second modification seeks to “strike” portions of the Complaint. Respondent does not oppose this request. All considered, this is a grantable request; however, proceeding as proposed by Complainant invites confusion into the record. Consequently, Complainant is instead granted leave to amend his complaint² (i.e. Complainant is to remove the portions of the Complaint he outlined and serve this amended complaint on the Court and Respondent. Respondent shall have an opportunity to be heard on this revised filing. Specifically, Respondent may provide its position, in writing, within 30 days of receipt of the amended complaint.).

Complainant’s Motion to Reception is GRANTED in part. Complainant is ORDERED to file his amended complaint within 20 days of the date of this Order.

SO ORDERED.

Dated and entered on April 21, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² Under 28 C.F.R. § 68.9(e), a complainant may amend a complaint “[if] a determination of a controversy on the merits will be facilitated thereby” and “upon such conditions are necessary to avoid prejudicing the public interests and rights of the parties[.]”