

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

AMANDA BARTOLOTTA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2025B00035
UBER TECHNOLOGIES, INC.,)	
)	
Respondent.)	
<hr style="width: 100%; border: 0.5px solid black;"/>)	

Appearances: Amanda Bartolotta, pro se Complainant
April Williams, Esq., for Respondent

ORDER GRANTING RESPONDENT’S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSIVE PLEADINGS AND SETTING ANSWER DEADLINE

I. PROCEDURAL HISTORY

On March 12, 2025, Complainant, Amanda Bartolotta, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, Uber Technologies, Inc., violated the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant alleges that Respondent discriminated against her based on her national origin and citizenship status, in violation of 8 U.S.C. § 1324b(a)(1). Compl. §§ 6, 7. Through the complaint, Complainant provided OCAHO with the following contact information for Respondent: (a) an address in San Francisco, California, (b) a workplace address in San Diego, California, and (c) an address in San Francisco, California for Fragomen Del Rey Bernsen & Loewy, LLP, which she identified as Respondent’s counsel.¹ *Id.* §§ 4–5.

¹ OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024), explain that the filing of a complaint commences an adjudicatory proceeding before OCAHO. 28 C.F.R. § 68.2. However, “the formal stage of a case actually does not begin (the time deadlines do not start) until the

On March 20, 2025, using the United States Postal Service (USPS) certified mail, the Deputy Chief Administrative Hearing Officer mailed Respondent and the identified law firm a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and the complaint (hereinafter “the Complaint package”). The Deputy CAHO explained in the NOCA that these proceedings would be conducted according to OCAHO’s Rules of Practice and Procedure for Administrative Hearings² and applicable case law. Notice Case Assign. ¶ 2. The Deputy CAHO directed the parties to OCAHO’s webpage and included links to OCAHO’s Rules and the OCAHO Practice Manual. *Id.* The Deputy CAHO explained that Respondent’s answer to the complaint “must be filed within thirty (30) days after receipt of the attached complaint by either Respondent or its attorney (or representative of record)” and that “[t]he answer is considered filed on the date when OCAHO receives the filing.” *Id.* ¶4 (citing 28 C.F.R. § 68.8(b), then citing *id.* § 68.9(b)).

The USPS certified mail tracking service indicated that, on March 24, 2025, an “individual picked up at postal facility” the Complaint package mailed to Respondent’s address in San Francisco, California,³ and that the Complaint package mailed to the law firm was delivered to the law firm’s “front desk/reception/mail room” on that same date. OCAHO also received a signed and dated USPS Domestic Return Receipt (PS Form 3811) for the delivery to the law firm on March 24, 2025. As such, Respondent’s answer is due no later than April 23, 2025. 28 C.F.R. §§ 68.3(b), 68.9(a).

OCAHO serves the original complaint on the respondent employer.” *United States v. Arnold*, 1 OCAHO no. 119, 781, 785 (1989) (internal citations omitted). OCAHO’s Rules require the complainant to identify “the party or parties to be served by [OCAHO] with notice of the complaint pursuant to [28 C.F.R.] § 68.3.” 28 C.F.R. § 68.7(b)(5). After receiving this information, OCAHO will serve the complaint on the respondent through one of the methods identified in its Rules. *See id.* §§ 68.3(a)(1)–(3).

² OCAHO’s Rules of Practice and Procedure for Administrative Hearings are available on the United States Department of Justice’s website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

³ The Complaint package mailed to Respondent’s address in San Diego, California, was returned to OCAHO as undeliverable. OCAHO shall remove this mailing address from the service list for this case. Should Respondent’s preferred address differ from the address on file in San Francisco, California, counsel for Respondent shall file a notice with the Court and serve it on Complainant.

On April 18, 2025, Respondent filed a Notice of Appearance of April Williams,⁴ an attorney with the Washington, DC, law firm of Wilmer Cutler Pickering Hale & Dorr, LLP, and a Motion for Extension of Time to File Responsive Pleadings. Through its motion, Respondent acknowledged that “[a]bsent an extension, [Respondent’s] response is due . . . April 23, 2025,” but requested a thirty-day extension to respond to the complaint. Mot. Extension 1–2. Respondent did not indicate Complainant’s position on the requested extension, and Complainant did not file a response.

On April 22, 2025, OCAHO staff emailed the parties to ascertain Complainant’s position on Respondent’s motion. Complainant responded via email on April 22, 2025, and stated that she did “not oppose Respondent’s request for an extension of time to file responsive pleadings.”

II. LEGAL STANDARDS AND DISCUSSION

Pending before the Court is Respondent’s Motion for Extension of Time to File Responsive Pleadings. Through the motion, Respondent seeks an additional thirty days to file its answer and otherwise respond to the complaint filed in this case. Mot. Extension 1–2. Respondent explains that the extension is necessary because it retained counsel on April 15, 2025, and counsel needs time to “familiarize themselves with the facts of [the] Complaint and prepare a response” *Id.* at 1. Respondent represents that the requested extension “[would] not prejudice Complainant or otherwise impact the proceedings,” noted that this is the first requested extension, and that the case was still in its “early stages.” *Id.* at 2. Although Respondent did not indicate Complainant’s position on the requested extension, Complainant indicated to OCAHO staff and Respondent via email on April 22, 2025, that she does not oppose the requested extension.⁵

⁴ OCAHO’s Rules of Practice and Procedure for Administrative Hearings require each attorney to file a notice of appearance “[e]xcept for a government attorney filing a complaint pursuant to section 274A, 274B, or 274C of the INA.” 28 C.F.R. § 68.33(f). The Notice of Appearance filed by Ms. April Williams comports with OCAHO’s Rules as it is signed and identifies “the name of the case or controversy, the case number . . . and the party on whose behalf the appearance is made.” *Id.* It also is accompanied by “a certification indicating that such notice was served on all parties of record.” *Id.* Ms. Williams’ appearance as counsel for Respondent is entered in this matter.

⁵ Before filing a motion, the filing party shall ask opposing counsel or the opposing party whether there is an objection to the motion, and the motion shall state that the conferral

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings 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).⁶ *See also* Fed. R. Civ. P. 6(b)(1) (“When an act may be or must be done within a specified time, the court may, *for good cause*, extend the time”) (emphasis added).⁷ Typically, for a party to show good cause, there must be “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021). OCAHO Administrative Law Judges have required a respondent seeking an extension of time to file an answer to articulate “why this Complaint requires additional time for a response, or how specifically Respondent would use the requested time.” *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510, 2 (2023).

Here, Respondent requests a thirty-day extension because Respondent recently retained counsel and counsel “received the Complaint from Uber on April 15, 2025—barely a week before Uber is due to respond to the Complaint.” Mot. Extension 1.

occurred, or if not, why not. If there is an objection, the movant must note that fact on the first page of the motion and of any separate brief in support. Joint, uncontested, and agreed motions must be so identified in both the title and the body of the motion.

⁶ 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>.

⁷ OCAHO’s Rules provide that, “in any situation not provided for or controlled by these rules, by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation,” the Federal Rules of Civil Procedure may be used as a “general guideline.” 28 C.F.R. § 68.1.

Respondent asserts that its counsel needs additional time to familiarize themselves with the facts of the complaint and to prepare its answer. *Id.* at 1–2. Although OCAHO’s Rules of Practice and Procedure for Administrative Hearings permit a party ten days to file a response in support of, or in opposition to, a motion, *see* 28 C.F.R. § 68.11(b), Complainant indicated by email on April 22, 2025, that she does not oppose Respondent’s motion and requested extension of time.

The Court finds good cause for the requested extension of time to permit Respondent to file its answer given that Respondent recently retained counsel at a different law firm than the one identified by Complainant in the complaint.⁸ *See Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023) (finding good cause to extend answer deadline where respondent recently retained counsel). This is Respondent’s first motion to extend time, the request was timely filed before the answer deadline, and it is unopposed. *See id.* (finding good cause to extend the answer deadline where the motion was unopposed and timely filed). The Court does not find any prejudice arising from the extension of time to answer the complaint in this case, and the requested extension of time, namely, thirty days, is not so great as to substantially impact these proceedings. *See, e.g., United States v. Satguru Enters., Inc.*, 16 OCAHO no. 1430, 2 (2022) (finding good cause for extension of answer deadline of five weeks, which was unlikely to prejudice the complainant). The Court also finds no evidence of bad faith on the part of Respondent’s counsel who promptly moved the Court for additional time after receipt of the complaint from its client and explained why the additional time is needed. *See* Fed. R. Civ. P. 6(b)(1)(A) (explaining that the court may extend time “if a request is made, before the original time or its extension expires”); *see also* 4 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (4th ed. 2023) (“[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”). Further, the Court finds that the requested extension will not unduly delay this case which is in the early stages and in which no case schedule or hearing has been set.

Having considered these facts and the posture of this case, and having found that good cause exists for the requested extension of time, the Court now grants Respondent’s

⁸ No attorney with the law firm of Fragomen, Del Rey, Bernsen & Loewy, LLP, has entered an appearance in this case. Rather, Respondent has retained counsel at the law firm of Wilmer Cutler Pickering Hale & Dorr, LLP, to represent it in these proceedings. Accordingly, OCAHO shall remove Fragomen, Del Rey, Bernsen & Loewy, LLP, from the service list in this case.

Motion for Extension of Time to File Responsive Pleadings. Respondent shall file its answer to the complaint no later than Friday, May 23, 2025. To the extent that Respondent plans to file other “responsive pleadings,” such a motion to dismiss, the Court refers it to OCAHO’s Rules of Practice and Procedure for Administrative Hearings which provide that the filing of a motion to dismiss does not toll the running of the time limit for filing an answer. *See* 28 C.F.R. § 68.10(a).

III. ORDERS

IT IS SO ORDERED that the Motion for Extension of Time to File Responsive Pleadings filed by Respondent, Uber Technologies, Inc., is GRANTED; and

IT IS FURTHER ORDERED that Respondent shall file its answer to the complaint by May 23, 2025.

SO ORDERED.

Dated and entered on April 23, 2025.

Honorable Carol A. Bell
Administrative Law Judge