

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

April 24, 2025

US TECH WORKERS ET AL,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2025B00005
	)	
	)	
BMO BANK,	)	
Respondent.	)	
	)	
_____	)	

Appearances: John M. Miano, Esq., for Complainant  
Leon Rodriguez, Esq., and Dawn Lurie, Esq., for Respondent

ORDER GRANTING MOTION TO AMEND COMPLAINT & SCHEDULING INITIAL  
PREHEARING CONFERENCE

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, BMO Bank, on October 9, 2024.

On January 13, 2025, Respondent filed its answer.

On March 31, 2025, Complainant filed a 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. Respondent did not file an opposition.

The Court first notes that no First Amended Complaint exists in this matter, and so it will construe Complainant’s filing as a motion to amend the complaint.

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 as are necessary to avoid prejudicing the public interest and the rights of the parties[.]”

The motion notes the proposed amendment reflects the desire of one named Complainant to cease participation in the case. Such a revision through an amendment would facilitate the adjudication of this matter (as it would mean the record accurately reflects the individuals pursuing the claim). Respondent has not opposed the amendment, and so the Court finds it will not be prejudiced.

Complainant's Motion to Amend is GRANTED.

Complainant may file an Amended Complaint, and must do so by May 9, 2025.

Respondent shall have until June 13, 2025 to file an Amended Answer.

The Court will also hold an initial prehearing conference in this matter on August 12, 2025, at 1:00pm EST to discuss the parties' discovery needs and to set a case schedule. The parties shall attend the conference by dialing ##### and using conference room number ##### and security code #####.

SO ORDERED.

Dated and entered on April 24, 2025.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge