

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

May 13, 2025

ZAJI ZAJRADHARA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2025B00018
)	
)	
NENITA DELOS SANTOS OLARTE d/b/a)	
PROPHET MANPOWER SERVICES,)	
Respondent.)	
)	

Appearances: Zaji Zajradhara, pro se Complainant
Janet H. King, Esq., for Respondent

ORDER TO SHOW CAUSE – SUBSTITUTION OF PARTIES

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On November 19, 2024, Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Nenita Delos Santos Olarte. The complaint alleges Respondent engaged in national origin and citizenship status discrimination and retaliated against Complainant in violation of 8 U.S.C. §§ 1324b(a)(1) and (a)(5).

On January 7, 2025, Respondent filed a Suggestion of Death and Motion for Stay, stating that the named Respondent passed away. Complainant submitted a filing opposing the Suggestion of Death and Motion for Stay on January 10, 2025.

On March 11, 2025, the Court issued an Order that took official notice of Respondent's death, granted Respondent's Motion for Stay, and directed Respondent to identify a party to substitute

for Respondent. *Zajradhara v. Olarte*, 21 OCAHO no. 1622a (2025).¹ The Respondent was ordered to identify the proper party to substitute in place of the deceased Ms. Olarte by April 10, 2025. *Id.* at 5. Respondent has yet to respond to the Court's order.

Complainant, on the other hand, submitted a flurry of filings: (1) a Response and Opposition to Respondent's Counsel's Continued Representation, and Motion for Disqualification of Attorney Janet King due to Conflict of Interest;² (2) a Response to Court Order Opposing Stay of Proceedings; (3) a Motion to Add Eduardo B. Olarte and Alia DLS Olarte-Estrellado as Parties; (4) a Supra Motion to Add Evidence in Support of Plaintiff's Claims and Renewed Motion for Recusal or Respondent's Counsel Janet H. King, Esq., Due to Multiple Conflicts of Interest; (5) a Motion to Add Exhibit: Letter to Border Czar Tom Homan Regarding the Olarte Visa Fraud; (6) a Motion to Add Sue Chan as a Defendant; (7) a Motion for Additional Discovery and for Recusal of Respondent's Counsel; and (8) a Motion for Summary Decision. Respondent did not respond to nor otherwise oppose any of Complainant's submissions.

This Order addresses Complainant's motions to add Eduardo B. Olarte, Alia DLS Olarte-Estrellado, and Sue Chan as parties in this matter. Once the correct parties have been established, the Court will adjudicate Complainant's remaining motions.

II. ORDER TO SHOW CAUSE

As the Court noted in its previous order, Federal Rule of Procedure 25(a)(1) provides that upon the death of a party, "the court may order substitution of the proper party" if the death does not extinguish the claim. *Olarte*, 21 OCAHO no. 1622a, at 3. "A motion for substitution may be made by any party or by the decedent's successor or representative." *Id.*

¹ 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>.

² In other cases brought by Complainant, this Court has described as "entirely baseless" the argument that an attorney has a conflict of interest merely because they represent another entity in active litigation against Complainant. *Zajradhara v. Taga Inc.*, 19 OCAHO no. 1577e, 3 n.4 (2025); *Zajradhara v. Jin Joo Corp.*, 19 OCAHO no. 1554f (2025). Complainant's motions to disqualify Respondent's counsel in this case (Motion for Disqualification of Attorney Janet King due to Conflict of Interest filed March 15, 2025, and Motion for Recusal of Respondent's Counsel filed March 16, 2025) likewise do not present any facts or argument that compel a different result and are accordingly denied.

Here, the Court ordered Respondent to identify the proper party for substitution, or to indicate that it could not do so, but Respondent did not do so. At the same time, Complainant has provided the names of three individuals he believes should serve as Respondents in this matter: two are the husband and daughter of the deceased Respondent, while the third is an employee of a business that is allegedly associated with Respondent. Mot. to Add Eduardo and Alia Olarte 2; Mot. to Add Sue Chan 1. Respondent has not responded to Complainant's contention that these individuals are proper parties to this matter.

Accordingly, the Court now orders Respondent to submit within 14 days of the date of this Order a filing articulating its position on the propriety of substituting Eduardo Olarte, Alia Delos Santos Olarte-Estrellado, and Sue Chan as respondents in this matter. Respondent must also demonstrate good cause for failing to respond to the Court's March 11, 2025, Order. Should Respondent fail to respond or demonstrate good cause, the Court may enter an order substituting the parties identified by Complainant, or it may enter default judgment against it pursuant to 28 C.F.R. § 68.37(b)(1);³ *see also Zajradhara v. Taga Inc.*, 19 OCAHO no. 1577b, 2 (2024).

III. ORDERS

Respondent is ORDERED to submit a filing indicating whether the individuals identified by Complainant are proper parties to substitute in this matter.

Respondent is further ORDERED to submit a filing demonstrating good cause for Respondent's failure to respond to the Court's March 11, 2025, Order.

Both filings are due within 14 days of the date of this Order.

Complainant's motions seeking to disqualify Attorney Janet King are DENIED.

SO ORDERED.

Dated and entered on May 13, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

³ OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).