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

May 15, 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 REJECTING FIRST AMENDED 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 Reception 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. Reception 1-2. This motion was unopposed.

On April 21, 2025, the Court granted in part the Motion to Reception Complaint, allowing Complainant to reception the case to reflect the list of complainant in the motion and giving Complainant leave to amend his complaint to remove the portions of the Complaint as it was outlined. *US Tech Workers et al. v. Gensler*, 21 OCAHO no. 1636b (2025).[2]

[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.

[2] 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,

On April 22, 2025, Complainant submitted a filing entitled First Amended Complaint. This document changed the case caption in a manner which exceeds the scope of the April 21, 2025 Order (and thus also exceeds the scope of Respondent's acquiescence). Specifically, this proposed Amended Complaint lists in the case caption on the first page the following Respondents: "Chicago H1-B Connection Coalition, Gensler, Other Businesses to be Joined 1-38."

This is not the case caption.

The Court previously made clear that the case caption would be *US Tech Workers et al. v. Gensler*, where et al. included only the listed named individuals, and instructed the "[p]arties [to] use the newly proposed case caption on all filings moving forward (as it appears in [the Order Granting in Part Motion to Recaption Complaint]." *Gensler*, 21 OCAHO no. 1636b, at 1 n1., 1.

The Court will not accept a filing (particularly one from an attorney) that uses an inaccurate case caption. If Complainant wants the Court to consider the remaining 93 pages of his proposed First Amended Complaint, it must be resubmitted with an accurate case caption.

Complainant must file any proposed amended complaint before May 30, 2025. If Complainant desires to amend the Complaint beyond the scope of the April 21, 2025 Order, it must file a separate motion seeking leave to amend the Complaint.

SO ORDERED.

Dated and entered on May 15, 2025.

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Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to 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 "FIMOCAHO," or in the LexisNexis database "OCAHO," or on the website at https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions.