

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

May 22, 2025

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00094
)	
)	
TERRAPOWER, LLC,)	
Respondent.)	
_____)	

Appearances: Margaret LaDow, Esq., and Lawrence J. Van Daley, Esq., for Complainant
Diane M. Butler, Esq., and Rebecca R. Schach, Esq., for Respondent

ORDER ACCEPTING SUPPLEMENT TO PENDING MOTION FOR SUMMARY DECISION

On October 9, 2024, Complainant filed a Motion for Summary Decision, even though Respondent had not had a full opportunity to engage in discovery. The Court declined to rule on the motion, and will not consider this motion until after the conclusion of discovery. Parties are presently in discovery.

On May 20, 2025, Complainant provided an affidavit for proposed inclusion in the record on summary decision, claiming it did not have access to this affidavit when it filed the motion (even though the affidavit is from a then and current Complainant employee).

While all this serves to underscore why prematurely filing a motion for summary decision is almost never a best practice, the Court does concur with Complainant that such an affidavit may assist the Court in eventually adjudicating the pending motion. Further, because the case is presently in discovery, the Court does not find Respondent will be prejudiced by its acceptance.

SO ORDERED.

Dated and entered on May 22, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge