

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

UNITED STATES OF AMERICA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	
)	OCAHO Case No. 2024A00052
SECURITAS SECURITY SERVICES)	
USA, INC.,)	
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>)	

Appearances: Hazel Gauthier, Esq., for Complainant
Sean M. McCrory, Esq., for Respondent

ORDER MEMORIALIZING INITIAL PREHEARING CONFERENCE
AND SETTING CASE SCHEDULE

I. PROCEDURAL HISTORY

On February 21, 2024, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, Securitas Security Services USA, Inc., violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Respondent then filed Respondent's Answer and Affirmative Defenses.

On March 24, 2025, the Court issued an Order on Service of Complaint, finding that OCAHO effectuated service of the complaint in accordance with OCAHO's Rules of Practice and Procedure for Administrative Hearings and that Respondent's answer was timely filed. *United States v. Securitas Security Servs. USA, Inc.*, 21 OCAHO no. 1653 (2025).¹

¹ 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

On March 24, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference, directing the parties to make their initial disclosures and file their prehearing statements by April 14, 2025, and scheduling an initial prehearing conference, pursuant to 28 C.F.R. § 68.13(a),² for May 6, 2025.

On April 14, 2025, Complainant filed its Prehearing Statement. On the same day, Respondent filed its Prehearing Statement.

On May 6, 2025, the Court held the scheduled initial prehearing conference with counsel for both parties. Pursuant to 28 C.F.R. § 68.13(c), the Court now issues this Order to memorialize the conference.

II. INITIAL PREHEARING CONFERENCE

The Court began the prehearing conference by explaining that the purpose of the conference was to set a series of deadlines and processes for the remainder of the case, and that it would issue an order to both parties memorializing what was discussed.

First, the Court reviewed the governing regulations and resources available to the parties. After noting that both counsel had appeared before OCAHO in other cases, the Court reminded the counsel that OCAHO proceedings are governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings. The Court advised counsel to familiarize themselves with OCAHO's Rules, including the standards of conduct under 28 C.F.R. § 68.35, and reminded them that OCAHO's Rules can be found online, including on the United States Department of Justice's

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 the United States Department of Justice's website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

² OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024), generally govern these proceedings and are available on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

website. The Court also highlighted certain OCAHO Rules, including that the filing party must attach a certificate of service to its electronic filings, that the default response time to a motion under OCAHO's Rules is ten days, that no replies are allowed without leave of Court, and that there is no oral argument on motions unless directed by the Court. *See* 28 C.F.R. §§ 68.11(b)–(c). The Court discussed several of OCAHO's Rules pertaining to discovery, including admissions, interrogatories, and depositions. *See id.* §§ 68.19(b), 68.20(d), 68.21(b), 68.22. The Court encouraged the parties to review the OCAHO Practice Manual which is available on the United States Department of Justice's website.³ The Court advised the parties that if they encounter a situation not covered by OCAHO's Rules, they may use the Federal Rules of Civil Procedure as a general guideline. *See id.* § 68.1. The Court then gave counsel the opportunity to ask questions about OCAHO's Rules.

Second, the Court discussed the OCAHO Settlement Officer Program. The Court explained that the Settlement Officer Program is a voluntary, confidential mediation program in which an OCAHO Administrative Law Judge (ALJ) would be designated as the Settlement Officer. The Court referred the parties to Chapter 4.7 of the OCAHO Practice Manual and the Executive Office for Immigration Review (EOIR) Policy Memorandum (PM) 20-16 which detail the program.⁴ Both counsel indicated that they had previous experience with the program, understood the program's policies and procedures, and had no questions about the program. The Court said that the case appeared to be appropriate for referral, but noted that, according to the parties' prehearing statements, Respondent was interested in a referral while Complainant was not. The parties confirmed their positions. Respondent asked the Court if it could refer this matter to the program based on Respondent's request alone, but the Court explained that the program's rules provided that a case could not be referred to a Settlement Officer if any party objects to the referral. *See* PM 20-16, Section I.C. The Court encouraged the parties to discuss the option further, noting that the referral could be limited in duration.⁵ The Court advised the parties that, should both parties agree to a referral to the program, they could file a jointly signed motion consenting to participate in the Settlement Officer Program, to abide by the program's policies and procedures, and to engage in mediation in good faith. The Court noted that the parties may request a referral to a Settlement Officer until thirty days before the hearing in this matter.

³ *See* <https://www.justice.gov/eoir/reference-materials/ocaho>.

⁴ EOIR Policy Memorandum 20-16 is available at <https://www.justice.gov/eoir/page/file/1300746/download>.

⁵ If the parties choose to participate in the OCAHO Settlement Officer Program or are engaging in fruitful settlement negotiations, they may file a joint motion seeking a continuance or a stay of discovery for a reasonable amount of time to pursue settlement.

Third, the Court addressed the parties' initial disclosures. Both parties said that they had made their initial disclosures, and both parties confirmed their receipt of the opposing party's disclosures, including preliminary exhibits. The Court reminded the parties to amend or supplement their initial disclosures as required by 28 C.F.R. § 68.18(d).

Fourth, the Court discussed the parties' proposed stipulations set forth in their prehearing statements. The parties explained that they had not yet discussed the proposed stipulations, and the Court encouraged them to confer regarding the stipulations.

Finally, the Court set a case schedule in this matter. The Court first addressed the parties' discovery needs. The parties stated that they had not yet begun discovery. Complainant's counsel estimated taking two depositions and did not provide an estimated number of interrogatories or requests for production. Respondent estimated needing two depositions, ten interrogatories, and ten requests for production, and suggested a date for the close of discovery. After getting the parties' input regarding the amount of time they needed to complete discovery, the Court set September 3, 2025, as the close of discovery. The Court reminded the parties that they must cooperate with each other in honoring discovery requests and make good-faith efforts to coordinate deposition dates. If either party failed to fulfill their discovery obligations, the Court explained that the other party was still expected to comply with discovery requests. The Court instructed the parties to confer in a good-faith effort to resolve discovery disputes before filing a motion before the Court, and directed the parties to 28 C.F.R. § 68.23. The Court said that any discovery-related motions should include the relevant discovery requests and responses, and a declaration stating when and how the requesting party complied with OCAHO's Rules, specifically, 28 C.F.R. § 68.23(b)(4).

After both parties represented that they anticipated filing a dispositive motion, the Court set October 3, 2025, as the deadline to file dispositive motions, and November 3, 2025, as the deadline to file responses to dispositive motions.⁶ The Court reminded the parties to attach to their filings any supporting evidence and to identify those attachments by exhibit number.

After reviewing the parties' preliminary witness and exhibit lists, the Court scheduled a contested, two-day hearing in this matter with a tentative start date of February 24, 2025, in El Paso, Texas. The Court explained that it would schedule a final prehearing conference with the parties to set dates for final prehearing filings, including witness and exhibit lists, should this case not be resolved through dispositive motions or by settlement.

⁶ If a dispositive motion is filed in advance of the October 3, 2025, deadline, the opposing party will have thirty days from the date the motion is filed to submit its response.

After confirming that the parties had no further questions or issues that they wanted to discuss, the Court adjourned the conference.

III. ORDERS

IT IS SO ORDERED that the following schedule shall govern this case:

1. The parties shall complete discovery by September 3, 2025;
2. The parties shall file any dispositive motions by October 3, 2025;
3. The parties shall file any responses to dispositive motions by November 3, 2025, or no later than thirty days from the filing date of the opposing party's dispositive motion; and
4. A two-day hearing in this case is tentatively scheduled to begin on February 24, 2026, in El Paso, Texas.

SO ORDERED.

Dated and entered on May 22, 2025.

Honorable Carol A. Bell
Administrative Law Judge