

ZAJI OBATALA ZAJRADHARA,
 Complainant,
 v.
 EFG PACIFIC HOLDINGS, LLC,
 Respondent.

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8 U.S.C. § 1324b Proceeding
 OCAHO Case No. 2024B00107

ORDER DISMISSING COMPLAINANT’S UNFAIR DOCUMENTARY PRACTICES CLAIM
AND DENYING IN PART AND GRANTING IN PART RESPONDENT’S MOTION FOR
ORDER OF PROTECTION

¹ As Complainant has apparently not had the benefit of discovery, the Court will resolve the discovery dispute before ruling on the Motion for Summary Decision.

Summary Decision, however, on March 4, 2025, as well as a motion titled “Supra Motion Regarding Attorney Stephen J. Nutting’s Conflict of Interest and Pattern of Obstruction.”

Respondent filed a “Motion for an Order of Protection” on March 19, 2025, to which Complainant responded on March 19, 2025. The motion is a motion for a protective order from discovery propounded by Complainant. This order addresses that motion.

On May 13, 2025, Complainant filed his own “Motion for Summary Judgment.”

Because Respondent’s Motion for an Order of Protection did not have Complainant’s discovery requests attached, the Court issued an order requiring Respondent to file Complainant’s discovery requests on May 21, 2025. *Zajradhara v. EFG Pacific Holdings, LLC*, 20 OCAHO no. 1596c (2025).² On the same day, the Court also issued an Order to Show Cause – Documentary Practices, allowing Complainant to show cause as to why his Complaint stated a claim for unfair documentary practices. *Zajradhara v. EFG Pacific Holdings, LLC*, 20 OCAHO no. 1596d (2025).

On May 22, 2025, Complainant filed his “Response to Order to Show Cause.” To clarify the scope of discovery in this case, this order also addresses Complainant’s documentary practices claim.

On May 30, 2025, Respondent filed a “Submission of Complainant’s Request for Discovery,” explaining that Complainant’s discovery requests had been included in a filing titled “Response to Order Disclosing Ex Parte Communication and Notice of Conversion to Electronic Filing,” and attaching a copy of the filing.

II. UNFAIR DOCUMENTARY PRACTICES CLAIM DISMISSED

As previously discussed, the Court may dismiss a claim without a motion from the respondent if the complainant has failed to state a claim upon which relief can be granted. 28 C.F.R. § 68.10(b); *see also* 20 OCAHO no. 1596d, at 2. The Complaint was inconsistent as to whether it raised an unfair documentary practices claim and, even if it did raise such a claim, the claim was centered on the rejection of Complainant’s resume, which is not an acceptable document to establish identity or employment authorization. *See* 8 C.F.R. §§ 274a.2(b)(1)(v)(A), (B), and (C); 20 OCAHO no. 1596d, at 2.

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, 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>.

In his response to the Order to Show Cause, the Complainant states that “[a]ny mention of document rejection in the complaint—specifically [Complainant’s] resume—was an inadvertent error in form completion” and “[t]he Complainant’s central claim is not rooted in document abuse but in discrimination based on national origin and citizenship status under 8 U.S.C. § 1324b(a)(1).” Resp. Order Show Cause 1-2. Indeed, Complainant goes on to state that the “Complaint does not allege document abuse under [8 U.S.C. § 1324b(a)(6)], nor could it.” *Id.* at 3.

Because Complainant states he did not intend to raise an unfair documentary practices claim, and because were such a claim raised, it would fail to state a claim, the claim is DISMISSED.

Complainant’s national origin discrimination, citizenship status discrimination, and retaliation claims remain.

III. PROTECTIVE ORDER

A. Scope of Discovery in OCAHO Proceedings

Litigants in this forum “may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding” unless the presiding Administrative Law Judge (ALJ) limits discovery by order. 28 C.F.R. 68.18(b). When deciding whether to limit discovery, the Court may consider factors such as whether “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case” *United States v. Durable, Inc.*, 11 OCAHO no. 1221, 3 (2014) (quoting Fed. R. Civ. P. 26(b)(2)(C)(iii)).

The Complainant asserts in his Complaint that he applied for a position on March 12, 2024, as a Computer User Support Specialist with the Respondent and was not hired because of “CW-1 visa fraud,” and that the Respondent ignores applications of American citizens, and hired a Filipino National. Compl. 8, 18. The Complainant charges that he was subject to retaliation because he previously settled with the company. *Id.* at 11.

B. Protective Order

OCAHO’s Rules of Practice and Procedure allow the presiding Administrative Law Judge (ALJ) to issue protective orders “[u]pon motion by a party or the person from whom discovery is sought, and for good cause shown[.]” 28 C.F.R. § 68.18(c); *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584c, 4 (2024). Such an order is appropriate when “justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense[.]” *Id.*

“[T]he standard for issuance of a protective order is high.” *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388c, 3 (2021) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324, 2 (2019)). “The moving party must ‘show some plainly adequate reason for the issuance of a protective order, and courts have required a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statement.’” *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d, 2 (2021) (quoting *United States v. Agripac, Inc.*,

8 OCAHO no. 107, 268, 271 (1998)). The determination requires “balancing the interests of harm to the party seeking protection with the importance of open proceedings.” *Id.* at 2 (quoting *McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665-66 (1996)). The presiding ALJ may issue an order determining that, among other outcomes, the discovery may not be had, or that it may be had “only on specified terms and conditions[.]” *Id.* § 68.18(c)(1)-(2).

Respondent argues that Complainant has requested documents and information beyond the scope of the present case. Mot. Protection 1. Respondent contextualizes the motion by stating that Complainant had no intention of pursuing the job, but merely applied to extort a financial settlement from Respondent.³ *Id.*

Respondent states that Complainant included his discovery requests in his February 11, 2025 “Response to Order Disclosing Ex Parte Communication and Notice of Conversion to Electronic Filing.”⁴ See Resp. Order Ex Parte Comm.; Submission Req. Discovery, Attach. 1. Complainant has not filed anything indicating he served any other discovery requests. However, the discovery requests Respondent describes in its motion do not match those Respondent identified as Complainant’s discovery requests in its Submission of Complainant’s Request for Discovery.

Complainant begins his response by levying a number of accusations against Respondent’s attorney, such as a conflict of interest, obstruction of justice, etc. Resp. Mot. Protection 2-4.⁵ He

³ Respondent also included an order from the Supreme Court of the Commonwealth of the Northern Mariana Islands requiring Complainant to show cause as to why he should not be considered a vexatious litigant. *Northern Marianas College v. Zaji O. Zajradhara*, No. 2024-SCC-0019-CIV (N. Mar. I. Sup. Ct. March 18, 2025). The Court is cognizant that this argument forms one of the bases for Respondent’s summary decision motion. At this point Complainant has asserted a facially cognizable claim for discrimination and retaliation and he is entitled to discovery for that claim. Once the record is at the point where the Court can address the summary decision motion (which also asserts a substantive basis for summary decision), the Court will address the Respondent’s argument that Complainant is bringing a vexatious claim.

⁴ Under OCAHO’s Rules of Practice and Procedures, “parties shall not file requests for discovery, answers, or responses thereto with the Administrative Law Judge.” 28 C.F.R. § 68.6(b). The Court reminds Complainant that discovery requests should be served directly on the opposing party without the Court being served. Keeping discovery requests separate from motions to the Court helps maintain a clean case record.

⁵ This Court has recently addressed almost identical claims of conflicts of interest in a recent decision. *Zajradhara v. Jin Joo Corporation*, 19 OCAHO no. 1554f (2025). The Court sees no meaningful difference between the claim here and in that case, and finds no merit to the accusations. Complainant also calls for sanctions because Respondent’s attorney did not provide specific justifications for his objections to discovery, has a “history of opposing legitimate discovery requests across multiple cases” which demonstrates a “pattern of willful obstruction” and shows he is hiding exposure of the truth. Resp. Mot. Protection 2-3. OCAHO’s Rules of Practice and Procedure provide that “[a]ll persons appearing in proceedings before an Administrative Law Judge are expected to act with integrity and in an ethical manner.” 28 C.F.R. § 68.35(a). “A party seeking sanctions under a violation of standards of conduct theory must

asserts that Respondent does not provide specific justification for his claim that the requests are overbroad. *Id.* Complainant then addresses the discovery requests. Complainant does not dispute Respondent's characterization of his discovery requests in its motion but also did not respond to Respondent's May 30, 2025, filing to contest that his discovery requests were those contained in Complainant's February 11, 2025 filing.

1. Personnel Files/Employment Records

Respondent states that complainant requests "[p]ersonnel files of all employees hired over the last five years." Mot. Protection 2. However, Complainant's Response to Order Disclosing Ex Parte Communication and Notice of Conversion to Electronic Filing, which Respondent identifies as containing the discovery requests from which Respondent seeks protection, does not appear to include this exact request. Complainant requests "[p]ayroll records for [Respondent business] and its affiliated entities['] . . . employees," Submission Req. Discovery, Attach. A, and "[a]ll . . . [j]ob vacancy announcements posted on any CNMI governmental or non-governmental employment recruitment platform" posted between March 2022 and June 2024, *id.*

Respondent argues that the request is overly broad, unduly burdensome, not relevant and the files contain private employee information. Mot. Protection 2. Complainant argues that the personnel files are essential to establishing a pattern of discrimination and demonstrating that he was consistently bypassed in favor of foreign nationals. Resp. Mot. Protection 3.

Because it is not clear from the record before the Court that Complainant requested personnel files for all employees hired over the last five years, the Court will not issue a protective order against such a request.

Respondent's Motion for a Protective Order is DENIED as to this request.

2. Hiring policies and procedures

Respondent states that Complainant sought the company's internal hiring policies and procedures. Mot. Protection 2. Once again, it is not clear from Respondent's submission that the discovery request described was served, as it does not appear in Attachment A. The request for a protective order is DENIED.

3. Communications

Respondent states that Complainant sought communications between Respondent and any third-party recruiters or agencies regarding employment practices. Respondent argues that the request is vague, overbroad, and unduly burdensome, requiring extensive searches of potentially thousands of communications. Mot. Protection 2.

identify the alleged misconduct with specificity." *Zajradhara v. Ranni's Corp.*, 16 OCAHO no. 1426a, 4 (2022) (citing *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438a, 4 (2022)). Complainant's accusations are conclusory and unsupported. Further, merely opposing discovery is not sanctionable, and as the Court has upheld one of Respondent's objections, the opposition was not meritless.

However, because this discovery request does not clearly appear in Complainant's Response to Order Disclosing Ex Parte Communication, the Court does not have the benefit of the precise language used by Complainant or confirmation that Complainant in fact served this request on Respondent. *See* Submission Req. Discovery, Attach. A.

The request for a protective order is DENIED.

4. Financial Records

According to Respondent, Complainant sought Respondent's financial records to determine if non-citizen employees were paid differently than U.S. citizens. Respondent argues that this request is not only irrelevant to the claim but is unduly burdensome and an invasion of financial privacy. Complainant argues that pay disparities can demonstrate discrimination or exploitation. This request appears to be the request for payroll records, including the employees' nationality and visa status. Submission Req. Discovery, Attach. A.

This forum recognizes claims for discrimination based on hiring, firing, retaliation and unfair documentary practices. 8 U.S.C. § 1324b(a)(1), (5), (6). Complainant has not explained how pay disparities in the current workforce would be relevant to his claim of discrimination in hiring or retaliation. The Complainant's argument that pay disparities would show unfair documentary practices or visa fraud is not relevant to the claim that he was discriminated against when he was not hired for a particular position. The request for a protective order is GRANTED, and Respondent does not need to respond to this request.

IV. CONCLUSION

Consistent with the discussion above, the Complainant's unfair documentary practices claim is dismissed and the Respondent's motion for a protective order is granted in part and denied in part.

Given that Complainant has filed a motion for summary decision, it is unclear whether he still seeks discovery. If he intends to rest on the record as it currently exists, Complainant may so indicate within seven days in a status report, and the Court will consider the cross-motions for summary decision.

In the absence of such indication, the case schedule is reset as follows:

Respondent must provide discovery responses to Complainant: July 23, 2025

Dispositive motions (the parties may file revised summary decision motions): August 22, 2025

Responses to dispositive motions: September 12, 2025

Hearing (if necessary): January 2026 in Saipan, CNMI

SO ORDERED.

Dated and entered on July 1, 2025.

Honorable Jean C. King
Chief Administrative Law Judge