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

July 16, 2025

DAMILOLA OBEMBE, Complainant,	)	
v.	)	8 U.S.C. § 1324b Proceeding OCAHO Case No. 2025B00030
DROISYS, INC., Respondent.	)	

Appearances: Damilola Obembe, pro se Complainant
Jon T. Velie, Esq., for Respondent

NOTICE & ORDER DENYING PARTIES' MOTIONS (TO ADMIT EVIDENCE, EXTEND DISCOVERY, AND STRIKE INTERROGATORIES)

Over a period of approximately 30 days, parties have filed five separate motions (some opposed, some unopposed) related to discovery.[1] This Order will resolve all filed motions except Respondent's Motion to Compel Discovery and Complainant's Motion for Protective Order will be dealt with in a subsequent order.

I. COMPLAINANT'S MOTION FOR ADDITIONAL TIME IN DSICOVERY

In one motion pending before the Court, Complainant seeks additional time to complete discovery. In the initial prehearing conference, the Court set a case schedule. Per that schedule, discovery was to conclude by July 14, 2025. May 15, 2025 Order Summ. Prehr'g Conf. 2.

[1] Motions filed by Complainant include a Motion for Protective Order & Supplemental Declaration – June 13, 2025; a Motion for Leave to Serve Interrogatories Out of Time – July 9, 2025; and a Motion to Admit Evidence Uncovered During Respondent Discovery Received – July 11, 2025.

Motions filed by Respondent include a Motion to Strike Complainant's Untimely Interrogatory Request and Opposition to Extension of Discovery – July 12, 2025; and a Motion to Compel Full and Complete Discovery Responses – July 12, 2025.

On May 27, 2025, Complainant served her Requests for Production. Resp't Mot. Strike Ex. B.

On June 26, 2025, Respondent served on Complainant its discovery response. *Id.* Ex. C.

On July 7, 2025, Complainant served two sets of Interrogatories on Respondent. *Id.* Ex. D.

On July 9, 2025, Respondent emailed Complainant asking her to "withdraw" the Interrogatories, based on OCAHO regulation entitling a party to 30 days to respond. *Id.* Ex. E. Complainant informed Respondent she would not do so and she had already "filed a motion with the Court for leave pursuant to 28 C.F.R. 68.18(e)." *Id.* Ex. F. Respondent contends that "[a]t no time has [it] received any filing or correspondence regarding Complainant filing a motion to extend the discovery deadline." Mot. Strike 2.

That same day, Complainant filed a "Motion for Leave to Serve Interrogatories Out of Time." Complainant argued the discovery responses "revealed materially new legal violations… and "[t]he timing of Respondent's disclosure just days before the discovery closed created a procedural necessity for interrogatory service beyond the standard 30-day timeline." Mot. Leave 2-3.

Respondent argues "Complainant had every opportunity to serve the Interrogatories on Respondent at the time she served her RFP." Mot. Strike 2. Moreover, "[t]he interrogatories Complainant served on Respondent contain the same or similar information requested in her RFP." In Respondent's view, "Complainant had ample information in which to craft interrogatory questions before receiving Respondent's document production . . . [,] Complainant could have served her RFP earlier in the discovery window, if she required the documents prior to serving interrogatories . . . " Mot. Strike 2.

While Complainant is pro se, the proposed regulation on which she relies, 28 C.F.R. § 68.18(e), does not exist. Whether this is a typo or something more, no OCAHO regulation absolves her of her obligation to ensure that "proceedings shall be conducted expeditiously, and the parties shall make every effort at each stage of a proceeding to avoid delay." 28 C.F.R. § 68.1.[2]

In considering extension requests, Court looks to the moving party to articulate good cause. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450a, 3 (2022) ("A party requesting to modify the date discovery closes must demonstrate good cause."). Here, Complainant cannot do so. Complainant waited 12 days to initiate discovery, and a further 13 days following receipt of documents from Respondent to propound additional discovery. Her assertion that the material sought in the second round of discovery is "novel" is unpersuasive based on her actual requests.

This Motion is DENIED. Respondent may, but is not required to, respond to these interrogatories.

Because Complainant's interrogatories will not become a part of the Court's official record at this time, there is nothing to strike. Accordingly, Respondent's Motion to Strike Complainant's Untimely Interrogatory Request is DENIED AS MOOT. *See United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1518f, 3 (2025) (denying motion to strike filing that never became part of record).

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

II. MOTION TO ADMIT EVIDENCE UNCOVERED DURING DISCOVERY

Complainant also seeks to admit four exhibits, basing this request on "28 C.F.R. § 68.38 and Chapter 4.2(d) of OCAHO's Practice Manual." [3] Of note, 28 C.F.R. § 68.38 governs motions for summary decision, and Chapter 4.2(d) provides guidance on motions and requests not otherwise covered by the subsection. Neither is entirely on point.

In any event, the Court does not accept ad hoc evidentiary submissions as this tactic or practice all but ensures an unorganized and unclear record. Evidence may be attached to a motion for summary decision (or an opposition), or alternatively may be identified and eventually offered as an exhibit at hearing. Complainant's Motion to Admit Evidence is DENIED.

III. CONCLUSION

For clarity, the Court notes that still pending are Respondent's Motion to Compel Discovery and Complainant's Motion for Protective Order. Mindful of the role discovered evidence and information plays in summary decision motion practice, the Court now STAYS the parties' August 29, 2025, deadline for filing dispositive motions. A new deadline will be set when the Court issues its order adjudicating to the pending motions.

Finally, Respondent has yet to opine on Complainant's Motion for Protective Order. Respondent is ORDERED to provide its position on the proposed protective order by August 8, 2025.

SO ORDERED.

Dated and entered on July 16, 2025.

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Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

[3] Again, much like the citation to a regulation that does not exist, Complainant's reliance on these sections are at best imprecise citation attempts by a pro se litigant, and at worst, something a bit more concerning. The Court notes that Complainant appears to have invented a quote from Chapter 4.2(d) of OCAHO's Practice Manual (This quote appears neither in Chapter 4.2(d) or anywhere in the Practice Manual for that matter.). *See* Mot. Admit Evid. 4.

Out of an abundance of caution, the Court places Complainant on notice that OCAHO requires of all litigants (pro se or not) "appearing in proceedings before an Administrative Law Judge… to act with integrity, and in an ethical manner." 28 C.F.R. § 68.35(a). Complainant must consider herself on notice that sanctions are available in this forum. *See United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 7 (2023). Ideally for Complainant, the Court's observations will prove to be an anomaly, vice a pattern.

Simply put, do not submit inaccurate or non-existent law or facts.