

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

ALI TALEBINEJAD,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2023B00002
	)	
MASSACHUSETTS INSTITUTE OF	)	
TECHNOLOGY,	)	
Respondent.	)	
	)	

Appearances: Ali Talebinejad, pro se Complainant
Antonio Morello, Esq., Leon Rodriguez, Esq., and Edward North, Esq., for
Respondent

ORDER SUMMARIZING PREHEARING CONFERENCE &
MEMORIALIZING COURT’S RULINGS ON PARTIES’ DISCOVERY MOTIONS

I. BACKGROUND

On July 22, 2025, Complainant filed a motion seeking to compel the deposition of two of Respondent’s employees—Dr. Evelyn Wang and Dr. Anantha Chandrakasan. Mot. Compel 3.

On August 1, 2025, Respondent filed a Motion for Protective Order “barring Plaintiff . . . from deposing two of MIT’s highest-ranking academic and administrative leaders: [Dr. Chandrakasan and Dr. Wang].” Mot. Protective Order 1. Respondent argues Complainant should not be able to depose these individuals because (1) Complainant has not established that either individual possesses “unique, firsthand knowledge of the relevant facts at issue in the case;” (2) “[Complainant] has not exhausted less intrusive discovery methods;” (3) “to the extent that either [of the two individuals] have any relevant information, such information is already known to [Complainant] or is available through the deposition of other witnesses that MIT is already making available;” and (4) the depositions are “nothing more than an attempt to harass high-ranking MIT officials and to subject them to a burden that far outweighs their connections to this dispute.” *Id.*

On August 12, 2025, the Court held a prehearing conference with the parties to further discuss the relevance of the two individuals’ testimony before ruling on the pending motions.

II. PREHEARING CONFERENCE

After reviewing the parties' filings and hearing oral argument on the matter, the Court determined that Dr. Chandrakasan possesses no knowledge relevant to the "subject matter involved in the proceeding," 28 C.F.R. § 68.18(b), and to the extent Dr. Chandrakasan did have any relevant knowledge, the same information could be obtained from other witnesses that have already been, or will be, deposed. Accordingly, the Court granted Respondent's Motion for a Protective Order and denied Complainant's Motion to Compel as to Dr. Chandrakasan.

Concerning Dr. Wang, the Court found that she potentially has relevant knowledge to the facts of this case. However, in light of the other significant commitments on her time, and the proffer of Complainant obtaining minimal relevant information from Dr. Wang, the Court found good cause to grant the Respondent's protective order to modify the method and scope of the deposition. The Court balances the Complainant's need to gather information to explore the claims and defenses in this matter with the proportional "needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1); 28 C.F.R. § 68.1.

Complainant has asserted that Dr. Wang was a participant in a meeting in which Complainant expressed dissatisfaction with not having been chosen to teach a class. Complainant has also asserted that Dr. Wang was involved in his removal from a listserv which deprived him of relevant information about the activities of his peers. Respondent has countered that Dr. Wang has little knowledge concerning the events which Complainant argues constituted employment discrimination and retaliation. In support of this claim, Respondent proffers an affidavit from Dr. Wang in which she avers that she simply has no relevant knowledge concerning these events. Respondent has also asserted that Dr. Wang's significant and time sensitive work commitments to the University would be disrupted were she obliged to attend the deposition, and that the time commitment necessary to sufficiently prepare for the deposition would greatly outweigh the little relevant testimony she has to offer.

The Court finds that the appropriate course of action is to permit Complainant to question Dr. Wang, albeit in a manner that reduces the time commitment on her and permits a fuller exploration of the facts than are provided in the affidavit. Accordingly, the Court permits Complainant to depose Dr. Wang by propounding 25 written questions to her, for which she is obliged to provide a response under oath. The Court directs the parties to Rule 31 of the Federal Rules of Civil Procedure as a guide, however the Court modifies the structure of Rule 31, which permits deposition by written question, in light of the specific information Complainant seeks and the limited nature of the deposition. The Court therefore dispenses with Rule 31's mandate that the questions be sent to a court reporter or other court officer, and instead provides that Complainant's questions may also be directed to Dr. Wang through counsel. Dr. Wang will thereafter provide responses to the questions, either orally in the presence of a court reporter who will administer the oath and make a verbatim record of her responses (pursuant to Rule 31), or through written responses which she will provide along with a statement that the responses are being made under oath or affirmation. Respondent may chose either method to provide Dr.

Wang's testimony. Respondent shall provide Dr. Wang's responses within 7 days following the questions being propounded by Complainant.

As provided for in the May 27, 2025 Case Scheduling Order, the parties have until August 25, 2025, to conduct all discovery in this matter, including Dr. Wang's deposition. To ensure these proceedings move along expeditiously, that deadline remains in place. However, if either party believes they would be unable to complete discovery by that date, they may file a written motion with the Court (preferably a joint motion) seeking an extension.

III. ORDERS

IT IS ORDERED that Complainant's Motion to Compel is DENIED IN PART as to the deposition of Dr. Anantha Chandrakasan, and GRANTED IN PART as to Dr. Evelyn Wang, with the added instruction that Dr. Wang's deposition be conducted by written questioning not to exceed 25 questions;

IT IS FURTHER ORDERED that Respondent's Motion for Protective Order is GRANTED IN PART as to the deposition of Dr. Anantha Chandrakasan, and DENIED IN PART as to Dr. Evelyn Wang.

SO ORDERED.

Dated and entered on August 15, 2025.

Honorable John A. Henderson
Administrative Law Judge