

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

August 14, 2025

ARTIT WANGPERAWONG,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2024B00007
	)	
META PLATFORMS, INC.,	)	
Respondent.	)	
_____	)	

Appearances: Artit Wangperawong, pro se Complainant
Eliza A. Kaiser, Esq., Matthew S. Dunn, Esq., and Amelia B. Munger, Esq., for
Complainant

ORDER SUMMARIZING PREHEARING CONFERENCE – DISCOVERY CONFERENCE 3

On August 14, 2025, the Court held a prehearing conference. This is the third Discovery Conference. Based on the discussion with the parties, the Court will hold a fourth discovery conference on September 4, 2025, at 8:00am PST.¹ Parties provided an update to the Court, noting they exchanged some documentary evidence, but each felt they had yet to receive all responsive documents.

Because both parties anticipate the prospect of filing motions to compel, the Court explained that motions to compel must meet procedural requirements which precede the filing of the motion. These requirements are contained at 28 C.F.R. § 68.23(b).²

¹ Parties may attend the conference using the same call-in information from the last prehearing conference.

² (b) The motion shall set forth and include:

- (1) The nature of the questions or request;
- (2) The response or objections of the party upon whom the request was served;
- (3) Arguments in support of the motion; and
- (4) A certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure information or material without action by the Administrative Law Judge.

The discussion also revealed Respondent desired clarification on the specific damages sought in this case. The Court informed the parties that damages are limited in the forum to only those options enumerated in the statute. *See* 8 U.S.C. §§ 1324b(g)(2)(A)–(C).³

³ For the parties' convenience, these provisions are reproduced in their entirety below:

(2) Orders finding violations

- (A) In general. If, upon the preponderance of the evidence, an administrative law judge determines that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.
- (B) Contents of order. Such an order also may require the person or entity—
- (i) to comply with the requirements of section 1324a(b) of this title with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;
 - (ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 1324a(b)(5) of this title, the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;
 - (iii) to hire individuals directly and adversely affected, with or without back pay;
 - (iv)
 - (I) except as provided in subclauses (II) through (IV), to pay a civil penalty of not less than \$250 and not more than \$2,000 for each individual discriminated against,
 - (II) except as provided in subclauses (III) and (IV), in the case of a person or entity previously subject to a single order under this paragraph, to pay a civil penalty of not less than \$2,000 and not more than \$5,000 for each individual discriminated against,
 - (III) except as provided in subclause (IV), in the case of a person or entity previously subject to more than one order under this paragraph, to pay a civil penalty of not less than \$3,000 and not more than \$10,000 for each individual discriminated against, and
 - (IV) in the case of an unfair immigration-related employment practice described in subsection (a)(6), to pay a civil penalty of not less than \$100 and not more than \$1,000 for each individual discriminated against;
 - (v) to post notices to employees about their rights under this section and employers' obligations under section 1324a of this title;
 - (vi) to educate all personnel involved in hiring and complying with this section or section 1324a of this title about the requirements of this section or such section;
 - (vii) to remove (in an appropriate case) a false performance review or false warning from an employee's personnel file; and
 - (viii) to lift (in an appropriate case) any restrictions on an employee's assignments, work shifts, or movements.
- (C) Limitation on back pay remedy. In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with the Special Counsel. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

Complainant is encouraged to carefully review the contents of the statute that pertain to damages, and he is ORDERED to provide a filing to the Court expressly stating what, specifically, he is seeking in damages. Complainant must file this submission by August 28, 2025.

Complainant should be aware that the Court and Respondent's counsel will rely on that filing in discovery, and discovery-related motion practice.

For ease of reference, the Court includes the previously compiled list of decisions for the parties' consideration (based on the discussion of issues at this and prior conferences):

1. *United States v. Terrapower, LLC*, 19 OCAHO no. 1548f (2025)
2. *Saini v. Sheridan Cmty. Hosp.*, 21 OCAHO no. 1644c (2025)
3. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450d (2023)
4. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450l (2024)
5. *Zajradhara v. Ranni's Corp.*, 16 OCAHO no. 1426h (2024)
6. *Ogunrinu v. Law Rescs. & Arnold & Porter Scholer LLP*, 13 OCAHO no. 1332j (2021)

I. WRITTEN/DOCUMENTARY DISCOVERY SCHEDULE FOR ORIGINAL⁴ CLAIM⁵

By August 22, 2025	Parties shall conclude meet and confer efforts on pending requests for original claim (liability)
By September 26, 2025	Parties shall file any discovery-related motions on original claim (liability) requests.

II. WRITTEN/DOCUMENTARY DISCOVERY SCHEDULE FOR NEW CLAIMS⁶

By August 22, 2025	Parties shall conclude meet and confer efforts on outstanding discovery requests for new claims (liability)
By September 26, 2025	Parties shall conclude the exchange of any requested matters.
By October 27, 2025	Parties shall conclude meet and confer efforts on remaining disputes.
By December 1, 2025	Parties shall file any discovery-related motions on new claims (liability).

⁴ In its April 24, 2025 Order, the Court outlined the three remaining claims against Respondent: one "original" claim, and two "new" claims. *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510l, 12 (2025).

⁵ Liability only. Damages discovery is covered by a different schedule.

⁶ Liability only. Damages discovery is covered by a different schedule.

III. WRITTEN/DOCUMENTARY DISCOVERY SCHEDULE FOR DAMAGES (ALL)

By August 28, 2025	Complainant shall file a submission outlining damages.
By September 30, 2025	Parties shall conclude meet and confer efforts on outstanding discovery related to damages.
By October 30, 2025	Parties shall conclude exchange of outstanding requested matters.
By December 1, 2025	Parties shall file any discovery-related motions on damages

As a reminder, no depositions shall occur until after this phase of discovery concludes.

SO ORDERED.

Dated and entered on August 14, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge