

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. 2023A00058
PJ'S OF TEXAS, INC.,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant
Kevin R. Lashus, Esq., for Respondent

ORDER MEMORIALIZING THE GRANT OF RESPONDENT'S UNOPPOSED
MOTION TO EXTEND INTERROGATORY RESPONSE DEADLINE

I. PROCEDURAL HISTORY

This case arises under 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.

On June 10, 2025, the Court issued an Order Memorializing Second Prehearing Conference and Setting Case Schedule. The Court ordered the parties to complete fact discovery by September 2, 2025. June 10, 2025 Order Mem. Second Prehr'g Conf. 2.

On July 29, 2025, Respondent filed Respondent's Unopposed Motion to Extend the Interrogatory Response Deadline. Through its motion, Respondent represented that "Complainant served interrogatories on Respondent on June 30, 2025," and moved the Court to "grant it seven more days to respond, to August 7, 2025." Mot. Extend Interrog. Resp. Deadline 1.

On July 31, 2025, the Court verbally granted Respondent's Unopposed Motion to Extend the Interrogatory Response Deadline and permitted Respondent through

August 7, 2025, to respond to Complainant's interrogatories. This Order memorializes the Court's ruling.

II. DISCUSSION

OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024),¹ provide that "[t]he party upon whom . . . interrogatories were served shall serve a copy of the answer or objections upon all parties to the proceeding within thirty (30) days after service of the interrogatories, or within such shorter or longer period as the Administrative Law Judge upon motion may allow." 28 C.F.R. § 68.19(b).

Here, because Complainant served its interrogatories on Respondent on June 30, 2025, *see* Mot. Extend Interrog. Resp. Deadline 1, Respondent's answer and/or objections to those interrogatories were due by July 30, 2025. However, Respondent timely moved the Court to extend its response period to August 7, 2025. Respondent did not explain why it needed the extension of time, but represented that its motion was unopposed. *Id.*

"OCAHO has broad authority to control discovery." *United States v. Chancery Staffing Sols.*, 13 OCAHO no. 1326a, 3 (2019) (citing 28 C.F.R. pt. 68 generally).² This includes the discretion to permit a party additional time to serve its responses to interrogatories. 28 C.F.R. § 68.19(b). Although OCAHO's Rules of Practice and Procedure for Administrative Hearings do not articulate a standard for granting extensions of time, "the standard routinely applied is good cause." *United States v. Space Expl. Tech. Corp.*, 18 OCAHO no. 1499, 5 (2023); *see also* Fed. R. Civ. P. 6(b)(1) ("When an act may be or must be done within a specified time, the court may, *for good*

¹ OCAHO's Rules of Practice and Procedure govern these proceedings and are available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

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 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 <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

cause, extend the time”) (emphasis added).³ “In determining whether good cause exists, a court should consider ‘whether the moving party acted in good faith, the length of the delay and its effects, and whether the delay will prejudice the non-moving party.’” *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381i, 3–4 (2021) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

On July 31, 2025, the Court verbally granted Respondent’s Unopposed Motion to Extend the Interrogatory Response Deadline. In doing so, the Court found that good cause existed to grant the requested extension of time. First, the Court found an absence of bad faith where Respondent filed Respondent’s Unopposed Motion to Extend the Interrogatory Response Deadline before the July 30, 2025, deadline for its response to Complainant’s interrogatories. *See* Fed. R. Civ. P. 6(b)(1)(A) (explaining that the court may extend time “if a request is made, before the original time or its extension expires”). In addition to the timeliness of the filing, the Court considered that Complainant did not oppose Respondent’s motion. *See, e.g., Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023) (finding good cause to extend deadline where the motion was unopposed and timely filed). Further, the Court did not find, and Complainant did not allege, any prejudice arising from an extension of time for Respondent to serve its responses to Complainant’s interrogatories. *See* 4 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (4th ed. 2023) (“[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”). Lastly, the Court found, with Complainant’s apparent concurrence, that the length of the extension being sought, namely seven days, was not so great as to impact substantially these proceedings. *See, e.g., United States v. Duncan Fam. Farms, Inc.*, 18 OCAHO no. 1519b, 3 (2024) (finding good cause for a fourteen-day extension where the resulting delay would be short and the opposing party consented to the extension). Accordingly, the Court permitted Respondent through August 7, 2025, to serve its responses to Complainant’s interrogatories.

III. ORDERS

IT IS SO ORDERED that Respondent’s Unopposed Motion to Extend the Interrogatory Response Deadline is GRANTED; and

³ OCAHO’s Rules provide that, “in any situation not provided for or controlled by these rules, by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation,” the Federal Rules of Civil Procedure may be used as a “general guideline.” 28 C.F.R. § 68.1.

IT IS FURTHER ORDERED that Respondent, PJ's of Texas, Inc., shall serve its responses to Complainant's interrogatories by August 7, 2025.

SO ORDERED.

Dated and entered on August 11, 2025.

Honorable Carol A. Bell
Administrative Law Judge