

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

January 8, 2026

RAVI SHARMA,)
Complainant,)
v.) 8 U.S.C. § 1324b Proceeding
NVIDIA CORP.,) OCAHO Case No. 2022B00023
Respondent.)
_____)

Appearances: Robert J. Barton, Esq., and Marie-Lise Baroutjian, Esq., for Complainant
K. Edward Raleigh, Esq., and Samantha Caesar, Esq.,
for Respondent

PRE-HEARING ORDER THREE – ORDER SUMMARIZING PREHEARING CONFERENCE

On November 21, 2024, the Court issued an Order Denying Summary Decision, which caused the case to advance to a pre-hearing phase. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 14501 (2024).¹

On April 8, 2025, the Court issued an Order which provided a revised prehearing schedule. This schedule contained deadlines for prehearing statements, exchange of proposed exhibits, and a deadline (July 28, 2025) by which parties were to file any motions pertaining to witnesses and exhibits. Parties submitted matters for the Court’s consideration, and on August 13, 2025, the Court issued an Order addressing those filings.²

¹ 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>.

² Specifically, the Court declined to exclude some Respondent exhibits, but invited Complainant to file a motion demonstrating good cause for additional time to review these exhibits. The Court also declined to exclude other Respondent exhibits, but noted Respondent had offered Complainant an opportunity to examine underlying materials – a solution deemed satisfactory by the Court. To ensure a clear procedural record, the Court invited Complainant to file a submission expressing its intent to examine those materials. Finally, Complainant raised a dispute pertaining to a declarant’s personal knowledge, which the Court deferred to hearing.

In Fall 2025, the parties were to have a prehearing conference; however, due to a lapse in appropriations, the Court did not hold that prehearing conference. In the interim, the parties submitted additional filings for the Court's consideration. Those filings, and other matters were discussed or resolved as follows during the prehearing conference held on January 7, 2026.

A. Oral Motion To Withdraw – Mr. Patrick Shen

The Court granted an oral motion for Mr. Patrick Shen to withdraw from the case as he has retired from the firm representing Respondent.

B. Resolution of Various Filings

1. Examining Underlying Materials for Respondent Exhibits A-1 and A-2

On August 21, 2025, the Complainant provided a filing (as it was invited to do by the Court) expressing its intent to examine underlying materials related to Respondent exhibits. On September 2, 2025, Respondent indicated it would produce those materials within the timeframe requested.

On October 2, 2025, the Complainant filed a “renewed motion to exclude Respondent’ Exhibits A-1 and A-2, noting it conferred with Respondent and the parties were at impasse. On October 14, 2025, Respondent provided its submission opposing Complainant motion. Complainant sought leave to reply to this Opposition, however that leave is denied as the prehearing conference is the manner in which Complainant was permitted to raise additional concerns or issues.

To be clear, the Court has not reviewed these Exhibits and does not intend to prior to hearing for reasons of efficiency (reviewing exhibits in conjunction with testimony is likely the most prudent way to understand issues pertaining to admissibility). From the filings, the Court can divine that the Exhibits are compilations or extracts of information from a human resources database or application called “Workday.”

The Court declines to order or require Respondent to act based on the contents of the submission. While foundational issues are important, it is premature to address them at this time. The Court presumes Respondent will be prepared to address any foundational issues at hearing. Further, the Court is confident Respondent understands that foundational issues directly bear an exhibit’s reliability (and thus the weight it is to be assigned). Complainant is free to renew its concerns pertaining to foundation or reliability at hearing.

For now, the Court considers this matter resolved.

2. Additional Time to Review Respondent Exhibits J, K, :L, and M

On August 21, 2025, the Complainant provided a filing (as it was invited to do by the Court) discussing the above-referenced exhibits. Although the Court invited to Complainant to explain whether it would find additional time beneficial, the contents of this filing discuss “foundation” oriented concerns surrounding proposed exhibits. Complainant argues, in this filing, Respondent should identify the creator of the exhibit and ensure they are available to testify at hearing. Respondent did not submit matters addressing these issues.

The Court declines to order or require Respondent to act based on the contents of the submission. While foundational issues are important, it is premature to address them at this time. The Court presumes Respondent will be prepared to address any foundational issues at hearing. Further, the Court is confident Respondent understands that foundational issues directly bear an exhibit’s reliability (and thus the weight it is to be assigned). Complainant is free to renew its concerns pertaining to foundation or reliability at hearing.

For now, the Court considers this matter resolved.

3. Respondent Notice of Clarification (Number of Applicants)

On November 30, 2025, the Court received a Notice from Respondent providing clarification surrounding the number of unique applicants to the vacancy at issue. Respondent must ensure it has evidence to support the proposition contained in the Notice. To the extent Respondent intended to provide information in support of hearing preparation, the Court appreciates this advance notice. Complainant provided a Response to this Notice wherein it disputes the information in Respondent notice. The Court, similarly, takes note of Complainant’s position as it conducts pre-hearing preparations. Evidence will bear out which version proves to be accurate.

For now, the Court considers this matter resolved.

4. Complainant Notice (Respondent Witness Availability Pre-Hearing)

On December 2, 2025, Complainant provided notice that Respondent declined to arrange a prehearing interview of its witnesses. The Court takes note of this update, and, consistent with the July 2025 Prehearing Order One, parties can anticipate additional leeway on cross-examination.

For now, the Court considers this matter resolved.

C. Precedential Decisions Referenced in the Prehearing Conference

It its discussions with the parties, the Court referenced several decisions. Those decisions are as follows: United States v. R&SL Inc., D/B/A Total Employment And Management (TEAM), 13 OCAHO no. 1333b (2022); Zaji Zajradhara v. Ranni’s Corporation, 16 OCAHO no. 1426h (2024); Zaji Zajradhara v. Aljeric General Services, LLC a.k.a. Aljric General Services, LLC, 16 OCAHO no. 1432m (2024).

D. Potential Motion – Subpoena Request

Complainant informed the Court that it may file a motion seeking subpoenas for seven individuals employed by Respondent. Parties are encouraged to confer about these individuals to minimize unnecessary requests.

Any motions related to subpoenas must be filed on or before January 21, 2026. Any opposition shall be filed on or before February 4, 2026.

E. Next Prehearing Conference

The Court will hold a prehearing conference on February 24, 2026 at 9:00am PST. Dial-in information shall be provided via email.

F. Structure of Hearing

The Court typically uses the below structure for hearings. The Court discussed this structure with the parties to assist in planning for hearing. While the aim is to largely stick to the order of events outlined below, there is flexibility in moving portions of the hearing to accommodate witness availability or to minimize inconvenience to witnesses.

Phase 1 – Liability

1. Complainant Exhibit Admission
2. Complainant Opening Statement
3. Complainant Testimony
4. Complainant Rests

5. Respondent Exhibit Admission
6. Respondent Opening Statement
7. Respondent Testimony
8. Respondent Rests

9. Complainant Rebuttal Exhibit Admission
10. Complainant Rebuttal Testimony

11. Closure of Record (as it relates to liability)
12. Production of Transcript
13. Briefing from Parties
14. Issuance of Order Adjudicating Liability

Phase 2 – Damages to be deferred.

G. Additional Hearing Logistics

The parties and the Court anticipate the hearing shall take no more than four days, and parties are available for a hearing in April 2026. Parties expressed a strong preference for the hearing to occur in San Jose, CA. Availability of a facility may drive the hearing date. The Court will provide an update as soon as practicable.

SO ORDERED.

Dated and entered on January 8, 2026.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge