

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

February 9, 2026

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2024A00094
)	
TERRAPOWER, LLC,)	
Respondent.)	
_____)	

Appearances: Lawrence J. Van Daley, Esq., for Complainant
Diane M. Butler, Esq., and Rebecca R. Schach, Esq., for Respondent

ORDER ADJUDICATING PROPRIETY OF REDACTIONS AND DECLINING ISSUANCE
OF A PROTECTIVE ORDER (FOLLOWING IN CAMERA REVIEW)

I. PROCEDURAL HISTORY & MOTION

On April 22, 2025, Complainant provided a Discovery Status Brief following guidance it received in a prior Order. According to the filing, Complainant produced responsive materials (some with redactions applied), and provided an updated privilege log.

The Court held a discovery conference (prehearing conference) with the parties on May 16, 2025, in which it provided deadlines for discovery-related matters, including filing of any motions for in camera review and protective orders (July 25, 2025).

On July 22, 2025, Complainant timely filed its Motion for In Camera Review and Protective Order in which it requested “in-camera review of 25 documents produced in discovery and identified by Respondent... [of] documents [which] were redacted to protect identifies, including unrelated information, and... PII of... HSI agents from a division unrelated to the instant worksite enforcement action.” Motion 2. Following in camera review, Complainant moved the Court to enter a Protective Order.¹

¹ Complainant also seeks a protective order for information based on its assessment of Respondent’s actions or posture on discovery-related issues. Respondent, for its part, characterizes the Complainant’s actions

Complainant characterized the redacted material and identities of individuals as “irrelevant,” citing 28 C.F.R. § 68.18(b) and OCAHO precedential decisions on discovery. Further, Complainant noted: “Protective orders may be designed to protect any one of a variety of interests, such as trade secrets or other proprietary information, personal privacy, national security, internal financial information, state secrets, or other classified or sensitive matter, depending on the facts and circumstances of the particular case.” Motion 4-5; *citing* [a Federal Practice and Procedure Treatise] and 28 C.F.R. § 68.42(a)-(b). Complainant also referenced OCAHO precedential decisions relying on Federal Rule of Civil Procedure 26(c), and then Ninth Circuit cases (recognizing the importance of collateral privacy interests in discovery and requiring protection of information and identities). Motion 5, 9-11.

On August 5, 2025, Respondent filed its Opposition. Respondent characterized the Complainant’s motion as a request for reconsideration,² and argued the Court should ensure it has access to “unredacted intra-agency email communications... among relevant witnesses identified, unredacted... addendum to the Notice of Intent to Fine..., and unredacted reports of investigation and related communications relating to [Respondent.]” Opposition 2. Relying on a regulatory provision³ which sets forth requirements for immigration officer conduct during arrests of persons, Respondent analogized that, in worksite enforcement, Complainant should be required to identify individuals involved in the audit and investigation and argues the redactions withhold that information. Opposition 7.

On September 3, 2025, the Court issued an Order of Inquiry to Complainant. Specifically, the Court noted Complainant sought to redact ROI Number/ Case Number/ Subpoena Number information pertaining to the audit which gave rise to the Complaint; and sought to redact names of individuals. Complainant was to file the supplement by October 3, 2025; however Complainant received an extension, and a new deadline was set for November 28, 2025.

and posture in a similar fashion. *See generally* Opposition Filing. Both describe difficulties during the meet and confer process and conclude the opposing side has not been cooperative. While there has certainly been friction between the parties on a host of issues in discovery, the Court is mostly satisfied that, following substitution of the Complainant counsel, the parties are moving through the discovery process, and they are, on balance, adhering to Court orders. The conduct of both sides, while not always the most productive, is consistent with an adversarial process.

² In making this assessment, the Respondent is considering the Complainant’s posture on certain redactions following the Order in which the Court compelled production of certain documents. While it is understandable why Respondent takes this position (as it seeks to maximize the documents it receives in discovery), the position is, in some ways, at odds with the tenor and direction of the Discovery Conference, wherein the Court set a schedule for the parties to continue their efforts to resolve ongoing disputes, and concluded the schedule with an off-ramp for in-camera review prior to production if parties remained at impasse. That appears to be precisely what has transpired here, as Complainant now seeks that in-camera review following impasse over their proposed redactions.

³ 8 C.F.R. § 287.8(c)(2)(iii).

On November 14, 2025, the Court processed the Supplemental Filing, which contained argument and an affidavit. In its Supplement, Complainant “agree[d] to provide Respondent with the ROI Number/ Case Number/ Subpoena Numbers that were previously redacted from discovery upon order of the Court.” Complainant may consider this Order as requiring the provision of this information in discovery. In contrast, Complainant maintained its position regarding other redactions. To that end, Complainant’s supplement provided further information and evidence via a signed and sworn affidavit of a Supervisory Special Agent.

II. LAW & ANALYSIS

Complainant requests in camera review of redactions it applied to certain, generally discoverable documents, due to the impasse it reached with Respondent during its meet and confer process. In making this request, Complainant asks the Court first to consider whether the redacted portions are even discoverable (i.e. are they relevant), and if they are discoverable, that the Court put in place a “protective order.”

A. Relevance in Discovery Phase

Discovery in the forum is governed by OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The regulations define the scope of discovery, noting that “...the parties may obtain discovery regarding any matter, not privileged, which is *relevant* to the subject matter involved in the proceeding, including... the identity and location of persons having knowledge of any discoverable matter.” 28 C.F.R. § 68.18(b) (emphasis added).

While the term “relevance” is used at various stages of a proceeding, it has a particular definition during discovery.⁴ “Relevance ‘broadly encompass[es] any matter that bears on, or that could reasonably lead to other matter that could bear on, an issue that is or may be in the case.’” *A.S. v. Amazon Webservices Inc.*, 14 OCAHO no. 1381j, 4-5 (2022) (internal citations omitted).⁵

⁴ Compare *Amazon Webservices Inc.*, 14 OCAHO no. 1381j, at 4-5 (describing relevance standard in discovery) with *United States v. R&SL Inc.*, 13 OCAHO no. 1333b, 26 (2022) (discussing relevance and probative value for hearing in relation to Federal Rule of Evidence 401).

⁵ 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>.

B. Discovery & Protective Orders

An Administrative Law Judge may shape or narrow⁶ what might otherwise be discoverable information, by issuing a “protective order.” 28 C.F.R. § 68.18(c). Discovery may be limited if there is good cause to do so (i.e. when “justice requires⁷ [protection of] a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense.”) *Id.*

In using the Federal Rules of Civil Procedure as a guide,⁸ and in considering OCAHO precedential cases, there are certainly instances where the Court may use its discretion to require that (relevant and discoverable) information be “revealed only in a specified way.” Fed. R. Civ. Proc. 26(c)(1)(G); *See generally United States v. Facebook, Inc.*, 14 OCAHO no. 1386d (2021); *Talebinejad v. Massachusetts Institute of Technology*, 17 OCAHO no. 1464b (2023).

A protective order can serve to “avoid the dissemination of potentially injurious information which might, even unintentionally, jeopardize a litigant’s legitimate interest in non-disclosure;... [protective orders also] encourage the cooperation of litigants in providing sensitive information by ensuring some protection to those interests.” *Facebook, Inc.*, 14 OCAHO no. 1386d at 2 (*citing McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665 (1996)).

As the Court has observed previously:

The moving party must “show some plainly adequate reason for the issuance of a protective order, and courts have required a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.” *United States v. Agripac, Inc.*, 8 OCAHO no. 1017, 268, 271 (1998) (first *citing Hawley v. Hall*, 131 F.R.D. 578, 584 (D. Nev. 1990); and then *citing United States v. City of Torrance*, 163 F.R.D. 590, 594 (C.D. Cal. 1995)). “The procedure of determining good cause seeks to accommodate competing interests and requires balancing the harm to the party seeking protection with the importance of open proceedings.” *McCaffrey*, 6 OCAHO no. 883, at 665–66; *cf. Agripac, Inc.*, 8 OCAHO no. 1017, at 272 (citation omitted). However, “[a]t the discovery stage, there is minimal public interest to be accommodated.” *McCaffrey*, 6 OCAHO no. 883, at 666.

Id.

⁶ The Administrative Law Judge might, for example, issue an order that “discovery not be had... be had only on specified terms and conditions... be had only by a method of discovery other than that selected by the party seeking discovery... or that the scope of discovery be limited to certain matters.” 28 C.F.R. § 68.18(c).

⁷ Regulatory language like “when justice requires” functions to provide discretion to the Court in tailoring an appropriate protective order, which is consistent with how Courts apply the corollary Federal Rule of Civil Procedure. *See* Fed. R. Civ. Pro. 26(c); *see also Ampong v. Costco Wholesale Corp.*, 550 F. Supp. 3d 136, 138 (S.D.N.Y. 2021) *citing Seattle Times Co. v. Rhinehart*, 67 U.S. 20, 36 (1984).

⁸ “The Federal Rules of Civil Procedure may be used as a general guideline in any situation not provided for or controlled by these rules.” 28 C.F.R. § 68.1.

C. Documents Provided for In Camera Review

With its Motion, Complainant provides letters which memorialize the meet and confer efforts of both counsel. It is in these letters that Respondent identifies the redacted emails at issue and contends that the redacted portions (email sender and recipient identities, and portions of Reports of Investigation) were improperly withheld. For its part, Complainant asserts the requested information is largely irrelevant as it pertains to individuals working on unrelated matters or a separate HSI division. Complainant also notes some redactions were applied to attorney-client privileged matters.

The documents at issue were combined into a single PDF,, with most documents identified by Bates Number, document type (e.g. email), and date.⁹ Each document was provided to the Court first with redactions, followed by the unredacted version. Each version was carefully reviewed by the undersigned, and the decision on each is provided below.

1. BATES 000001 (Email – January 5, 2023). The document has redactions applied to identities of individuals and text. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Additionally, the redacted text is unrelated to the audit. Stated more succinctly, the identities of the individuals and the redacted text are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
2. BATES 000003 (Email – November 19, 2024). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. The Court declines to issue a protective order pertaining to this document as the information contained therein does not meet the standard outlined above for a protective order.
3. BATES 000005 (Email – January 13, 2023). The document has redactions applied to identities of individuals and text. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Additionally, the redacted text is unrelated to the audit. Stated more succinctly, the identities of the individuals and the redacted text are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.

⁹ In some instances, the date provided in the description does not match the date of the email/ document. In these instances, the Court referenced the date provided in the title of the document.

4. BATES 000008 (Email – January 19, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
5. BATES 000012 (Email – January 19, 2023). The document has redactions applied to identities of individuals, and text of an email. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Additionally, the redacted text is unrelated to the audit. Stated more succinctly, the identities of the individuals and the redacted text are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
6. BATES 000017 (Email – January 19, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
7. BATES 000023 (Report of Investigation – January 20, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to this text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
8. BATES 000025 (Report of Investigation – January 25, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. . The Court need not consider a protective order relative to this text. The Court declines to issue a

protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.

9. BATES 000033 – Email – January 26, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
10. BATES 000034 (Email – January 27, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
11. BATES 000035 (Email – January 27, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
12. BATES 000037 (Email – February 7, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
13. BATES 000039 (Email – February 13, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The

redactions as applied are proper. The Court need not consider a protective order relative to this document.

14. BATES 000040 (Email – February 13, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
15. BATES 000041 (Email – February 22, 2023). The document has redactions applied to identities of individuals, and text of an email. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Additionally, the redacted text is unrelated to the audit. Stated more succinctly, the identities of the individuals and the redacted text are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.
16. BATES 000062 (Report of Investigation – April 26, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to this text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
17. BATES 000065 (Addendum to Application for NIF – August 11, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The document also contains redactions of several paragraphs. In its in camera review filing, Complainant explains the redacted information is privileged. The Court agrees. Those redactions as applied are proper. The Court need not consider a protective order relative to this document.

18. BATES 000073 (Email – August 25, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. Of note, the redacted case number matches the case number on the Report of Investigation located in the Bates 000023 document. The Court declines to issue a protective order pertaining to this document as the information contained therein does not meet the standard outlined above for a protective order.
19. BATES 000074 (Report of Investigation – August 23, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. In some instances, the redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The document also contains additional redactions (of several paragraphs). In its in camera review request, Complainant explains the redacted information is covered by attorney-client privilege. The Court agrees. Those redactions as applied are proper. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
20. BATES 000084 (Report of Investigation – November 9, 2023). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. In some instances, the redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The document also contains additional redactions (of several paragraphs). In its in camera review request, Complainant explains the redacted information is covered by attorney-client privilege. The Court agrees. Those redactions as applied are proper. The Court need not consider a protective order relative to this document. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
21. “Unmarked ROI” (Report of Investigation – July 8, 2024). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.

22. “Unmarked ROI” (Report of Investigation – November 27, 2024). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
23. “Unmarked ROI” (Report of Investigation – January 28, 2025). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
24. “Unmarked ROI” (Report of Investigation – January 29, 2025). The document has redactions applied to ROI Number/ Case Number/ Subpoena Number information. As Complainant concedes, this information is relevant. Complainant shall remove redaction from this discoverable information. This document also has text redacted. The redacted text does not relate to the investigation which gave rise to the Complaint. This redacted text is not relevant – even in discovery. That redaction, as applied, is proper. The Court need not consider a protective order relative to the redacted text. The Court declines to issue a protective order pertaining to ROI Number/ Case Number/ Subpoena Number as that information does not meet the standard outlined above for a protective order.
25. “Unmarked Email” (Email – January 26, 2023). The document has redactions applied to identities of individuals. Following careful review in camera of the unredacted documents alongside the affidavit in the supplemental filing, the Court concludes the redacted individuals have no personal knowledge of the audit, and do not otherwise have knowledge that could reasonably lead to other matters that could bear on an issue that is or may be in the case. Stated more succinctly, their identities are not relevant – even in discovery. The redactions as applied are proper. The Court need not consider a protective order relative to this document.

To the extent Complainant has been ordered to un-redact portions of documents, those unredacted documents shall be provided to Respondent on or before February 27, 2025.¹⁰

SO ORDERED.

Dated and entered on February 9, 2026.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹⁰ On January 7, 2026, Respondent filed an Order seeking action from the Court on this issue. Complainant, for its part, opposed this motion. On January 30, 2026, Respondent filed a motion seeking leave to provide a reply filing.

Because the Court now issues this Order, Respondent's first motion is DENIED as MOOT.

Similarly, Respondent's second motion, seeking leave to reply is similarly DENIED as MOOT.