

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

February 19, 2026

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

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

NOTICE – INVITATION FOR FURTHER ORAL ARGUMENT ON COMPLAINANT
REQUEST FOR SUBPOENA(S)

I. PROCEDURAL HISTORY – SUBPOENA ISSUE

On June 2, 2025, Respondent timely filed its prehearing statement. In this prehearing statement, Respondent informed the Court it would call the following witnesses:¹ (1) Head of Global Recruiting Operations; (2) Senior Logic Design Engineer (interviewer and recommender of candidates); (3) Senior ASIC Engineer (interviewer and recommender of candidates); and (4) Hiring Manager. Resp’t’s Preh’r’g State. 5; *id.* at Appendix C.

On June 30, 2025, Complainant filed a motion seeking subpoenas. Mot. This motion was opposed by Respondent. Opp’n.

On July 21, 2025, the Court issued an order entitled Pre-Hearing Order One in which it denied Complainant’s motion for subpoenas for the hearing. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450t (2025).² In that Order, the Court denied the request for subpoenas because Complainant

¹ Complainant did not depose these individuals, and Respondent declined to make them available for a brief interview prior to hearing.

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,

failed to explain with sufficient thoroughness and specificity why the individuals identified possess information that is not in the record at present (via exhibits), would not be offered into the record via an exhibit at hearing, or is not available through cross examination of individuals that Respondent has agreed to produce at the hearing. *Id.* at 5. The Court encouraged the Respondent to make witnesses available for a prehearing interview. *Id.* at 6. The Court declined to adjudicate the Respondent's Renewed Motion for Summary Decision and denied Complainant's July 15, 2025 Unopposed Motion for Extension of Time to File Response to Respondent's Renewed Motion for Summary Decision as moot. *Id.* The Court agreed to bifurcate proceedings to address liability first and then, if necessary, damages. *Id.*

On January 21, 2026, Complainant filed a "Renewed" Motion³ seeking subpoenas for several individuals. In this Motion, Complainant narrows its proposed list of individuals down to seven, and proffers that "each... personally participated in the evaluation or hiring process of at least one of the H1-B candidates who were hired for the... position at issue in this case." Mot. 1. Complainant identifies no new individuals in this request. Complainant proffers "all" requested individuals "evaluated at least one H-1B hire during the hiring process for the position at issue. Their testimony would address the qualifications of the H-1B hires, the interview process, and the interview scores..." Mot. 5-6.

On February 4, 2026, Respondent filed an Opposition to the Motion, arguing that the Complainant's request is an attempt to reopen discovery does not meet the standard outlined in the Court's prior Order. Opp'n. The Respondent argues that the information through proposed subpoenaed testimony already been provided and is available in the record or through the testimony of its four witnesses. Opp'n.

II. FACTUAL BACKGROUND

Because the Court ruled on a motion seeking summary decision, it has already made some findings of fact in this case. *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 14501 (2024). Relying on some of these factual findings will assist the Court and parties in framing this latest request (and subsequent legal analysis pertaining to subpoenas).

seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet 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," or in the LexisNexis database "OCAHO," or on the website at <https://www.justice.gov/oeir/office-of-the-chief-administrative-hearing-officer-decisions> .

³ On February 17, 2026, Complainant filed a motion seeking leave to reply to the opposition filing. This motion is DENIED as moot because this Notice explains how the Complainant will be provided an opportunity to be heard once more (with the benefit of additional insight and focus from the Court).

Specifically, Complainant applied to an advertised Senior Logic Design Engineer, FPGA Position with Respondent. *Id.* at 9. According to the advertisement, the position requires technical experience/ qualifications and “strong communication and interpersonal skills.” *Id.*

Respondent received applications in excess of the number of vacancies, and only interviewed some of the applicants. *Id.* at 10. Complainant was interviewed, but was not selected. *Id.* at 11. Ultimately four individuals accepted an offer for this position. *Id.* at 10. Two individuals were, like Complainant, U.S. citizens. *Id.* The other two selected individuals (who accepted) were not U.S. citizens, and are referred to as C-295 and C-827 respectively. *Id.*

As to C-295, reliable record evidence indicates C-295 was an internal candidate, who worked for Respondent for nine years prior to applying for the vacancy at issue. *Id.* at 13. The record contains impressions of her interview performance memorialized close in time to the interview (in Respondent’s personnel database/ system known as “Workday.”) *Id.* at 14. She was interviewed by at least one individual who also interviewed Complainant. *Id.* at 13. It is the Court’s understanding that this shared interviewer is already slated to testify.

Distinct from C-295, C-827 was (according to proffer from Respondent) an external candidate. At present, the record does not contain interview notes for C-827, and the “Interview Feedback” provided with the motion was formatted in a way which made it difficult to read. *Id.* at 15. It is not clear from the record as developed to date who interviewed this candidate and whether Complainant shared any interviewers with this candidate.

According to the Complainant’s Motion, only two or possibly three of the seven requested individuals interviewed C-827. Mot. 7-8. The remainder interviewed C-295 or were involved in staffing or recruiting. Mot. 7-10.

III. LAW & ANALYSIS

As the Court noted previously:

The moving party “has the burden to establish relevancy” [when it requests the Court issue a subpoena]. *Zajradhara v. HDH Co.*, 16 OCAHO no. 147b, at 3. The Court has previously declined to issue subpoenas requested by a § 1324b complainant where the requested testimony “[was] not sufficiently narrow,” despite potentially being relevant. *Zajradhara v. Aljeri Gen. Servs., LLC*, 16 OCAHO no. 1432g, 4 (2023).

Indeed, the Court must be cautious in its approach when it issues subpoenas. Issuance of a subpoena is, in essence, the Court leveraging its statutory authority to compel attendance and participation in a particular matter. Relevance is the floor, not the ceiling. An opposed subpoena request requires more.

Sharma v. NVIDIA Corp., 17 OCAHO no. 1450t, 5 (2025).

Much like the prior motion denied by the Court, as to subpoenas pertaining to C-295 or generalized recruiting and staffing, Complainant does not show “with requisite thoroughness and specificity why these individuals uniquely possess information that is not already in the record, and/or not already contained in a proposed exhibit, and/or unavailable via cross examination of the individuals Respondent has already indicated it will produce at hearing.” *Id.*

As to Complainant’s request for subpoenas pertaining to individuals who may testify as to C-827, the request merits a closer look. According to Complainant, “Financial Planning and Analysis Manager and/or Senior Architect [M.A.]”⁴ interviewed C-827 as did “Senior Staff ASIC Hardware Engineer [T.I.]”⁵ Mot. P. 7-8. At this juncture, the record is not as well developed as to this selectee.

With this analysis and guidance in mind, the Court now places the parties on notice that they may present additional argument and information pertaining to the issue of record development as it relates to subpoenas and C-827 during the prehearing conference on February 24, 2026. The Court will take any proffers or argument under advisement as it considers how it will rule on this particular issue.

SO ORDERED.

Dated and entered on February 19, 2026.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁴ Initials refer to the individual’s initials, as identified in the motion.

⁵ It is less clear from the motion, but there may be a third individual also identified who interviewed C-827. Complainant proffers in its motion C-827 was interviewed by a panel of five individuals.