

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

July 14, 2026

IGOR ZIMNOVICH,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2026B00045
SCHOTT NORTH AMERICA, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Igor Zimnovich, Complainant
William F. Birchfield, Esq., for Respondent

ORDER DENYING JOINT MOTION FOR STAY OF PROCEEDINGS,
EXTENDING DEADLINE FOR INITIAL DISCLOSURES AND PREHEARING
STATEMENTS, AND RESCHEDULING INITIAL PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant, Igor Zimnovich, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on April 28, 2026. Complainant alleges that Respondent, Schott North America, Inc., discriminated against him by refusing to hire him based on his citizenship status in violation of 8 U.S.C. § 1324b(a)(1). Compl. §§ 6–7. Through the complaint, Complainant provided OCAHO with an address for the Respondent business in Rye Brook, New York. *Id.* § 4. On June 10, 2026, William F. Birchfield, Esq., filed Respondent’s Answer and Affirmative Defenses. On June 11, 2026, Mr. Birchfield filed a Notice of Appearance as counsel for Respondent.

On June 16, 2026, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference. Through that Order, the Court ordered the parties to make their initial disclosures and file prehearing statements with the Court on or before July 7, 2026. June 16, 2026, Order Prehr’g Statements &

Scheduling Initial Prehr'g Conf. 9. Further, the Court scheduled an initial prehearing conference with the parties on July 14, 2026. *Id.* On June 30, 2026, Complainant and Respondent's counsel submitted a letter to the Court seeking a stay of these proceedings (Joint Letter). Neither party filed its prehearing statement by July 7, 2026. On July 13, 2026, OCAHO staff notified the parties that the initial prehearing conference scheduled for July 14, 2026, was canceled.

II. DISCUSSION AND ANALYSIS

A. June 30, 2026, Letter

Before the Court is a letter dated June 30, 2026, electronically signed by Respondent's counsel and Complainant, in which the parties request a stay of deadlines in this case. As a threshold matter, the Court must determine whether to accept the letter as a filing in these proceedings given that it does not comply with OCAHO's Rules of Practice and Procedure in Administrative Hearings.¹ In addition to lacking the required case caption for a pleading, *see* 28 C.F.R. § 68.7(a)(1), the parties seek to use the letter to request that the Court issue an order staying these proceedings. OCAHO's Rules specify that "any application for an order or any other request shall be made by motion which shall be made in writing unless the Administrative Law Judge [ALJ] in the course of an oral hearing consents to accept such motion orally." 28 C.F.R. § 68.11. This requirement has been reiterated by OCAHO ALJs who have explained that letters are "improper ... [and] requests for relief must be submitted in the form of a motion, not a letter." *Hsieh v. PMC - Sierra, Inc.*, 9 OCAHO no. 1089, 1 (2003),² *see also* Fed. R. Civ. P. 7(b) ("A request for a court order must be made by motion."). Moreover, this Court recently advised the parties

¹ OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2026), generally govern these proceedings. OCAHO's Rules are available in the Electronic Code of Federal Regulations. *See* <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

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 OCAHO's homepage on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

in its June 16, 2026, Order for Prehearing Statements and Scheduling Initial Prehearing Conference that “[h]earing dates and discovery deadlines generally will not be reset except by written motion.” June 16, 2026, Order Prehr’g Statements & Scheduling Initial Prehr’g Conf. 4. Despite its deficiencies, as a one-time courtesy, the Court accepts the letter as a filing in this case and construes it as a joint motion for a stay of proceedings.

B. Joint Motion for a Stay of Proceedings

Through their June 30, 2026, letter, the parties “jointly request that the Court enter an order staying all deadlines up to and including August 4, 2026.” Joint Letter 1. They specifically reference the July 7, 2026, deadlines for initial disclosures and the filing of prehearing statements, and the July 14, 2026, initial prehearing conference. *Id.* As grounds for the stay request, the parties represent that they “are currently engaged in good-faith settlement discussions and believe that a brief stay would conserve the resources of both the parties and the Court.” *Id.* They argue that a stay will allow them “to continue their settlement efforts and attempt to resolve this matter without incurring additional fees or costs.” *Id.*

This Court has authority to issue a stay of proceedings because it has “all appropriate powers necessary to conduct fair and impartial hearings.” 28 C.F.R. § 68.28. OCAHO precedent provides, however, that a “stay of proceedings should not be granted absent a clear bar to moving ahead.” *Monda v. Staryhab, Inc.*, 8 OCAHO no. 1002, 86, 91 (1998). The Court does not find that the parties’ settlement discussions or litigation cost concerns make proceedings practically impossible or justify halting this case. Rather, the Court finds that the parties have proffered insufficient cause to stay these proceedings in which the Court set one deadline in advance of the initial prehearing conference. *See Ferrero v. Databricks*, 18 OCAHO no. 1505a, 2 (2024) (denying request for a stay for purposes of settlement discussions where no initial prehearing conference had been held and no deadlines had been set).

Although the Court has found that a stay of proceedings is not warranted, the Court recognizes that a reasonable and appropriate extension of time may facilitate the parties’ settlement discussions and conserve resources. Here, both parties jointly seek through August 4, 2026, to pursue their settlement negotiations, *see* Joint Letter 1, and the Court finds good cause to extend the deadline for initial disclosures and prehearing statements and to reschedule the initial prehearing conference to permit the parties the time requested to attempt to resolve this case short of a contested hearing. *See United States v. Space Expl. Techs.*, 18 OCAHO no. 1499, 5 (2023) (explaining that, “OCAHO’s Rules of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.”); *see also* Fed. R. Civ. P. 6(b)(1) (explaining that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time”). In finding good cause to permit an extension of time, the

Court has “consider[ed] the agreed nature of the requests ... the length of the extension of time ... being sought,” and whether the “requested extensions are reasonable and appropriate[.]” *United States v. Muniz Concrete & Contracting, Inc.*, 19 OCAHO no. 1535b, 5 (2024). Accordingly, the Court now revises the deadline it previously set and reschedules the initial prehearing conference.

C. Prehearing Statements and Initial Disclosures

On or before August 7, 2026, the parties shall file written prehearing statements of position as described in the Court’s June 16, 2026, Order for Prehearing Statements and Scheduling Initial Prehearing Conference. *See* 28 C.F.R. § 68.12. Simultaneously with the filing of the party’s prehearing statement, the filing party will make its initial disclosure of its documentary evidence to the other party. *See* Fed. R. Civ. P. 26(a)(1)(A)(ii).

D. Rescheduled Initial Prehearing Conference

As the Court advised the parties on July 13, 2026, in accordance with 28 C.F.R. § 68.27(d), the initial prehearing conference scheduled for July 14, 2026, was canceled. The Court now reschedules the initial telephonic prehearing conference with the parties in this matter for Thursday, August 13, 2026, at 1:00 p.m. Eastern Time, to develop a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter.³ *See* 28 C.F.R. § 68.13. At the conference, the parties should be fully prepared and have authority to discuss any questions regarding the case. The parties shall confer before the initial prehearing conference regarding their interest in participating in the OCAHO Settlement Officer Program.⁴

III. NOTICES

If the parties reach a settlement agreement, they should consult 28 C.F.R. § 68.14, which sets forth the two avenues for leaving this forum upon settlement. 28 C.F.R. § 68.14(a)(2) provides that the parties may file a notice of settlement and a joint motion to dismiss signed by both parties. If the parties pursue this avenue, the

³ If the parties need to reschedule the initial prehearing conference, at least five days in advance of the date set for the prehearing conference, they shall provide the Court with a joint written notice of a minimum of three proposed agreed dates and times in Eastern Time for the rescheduled conference. The Court will confirm the date and time for the rescheduled conference either telephonically or in writing as soon thereafter as practicable.

⁴ *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho/chapter-4-7>.

Court may require the filing of the parties' settlement agreement. The parties should state in their joint motion whether they are seeking dismissal with or without prejudice.

The Court puts the parties on notice that failure to respond to the Court's orders, including by failing to make initial disclosures, file prehearing statements, or appear at prehearing conferences, may lead to a finding of abandonment and dismissal pursuant to 28 C.F.R. § 68.37(b) or an entry of default pursuant to 28 C.F.R. § 68.9(b).

IV. ORDERS

IT IS SO ORDERED that the June 30, 2026, joint letter submitted by Complainant, Igor Zimnovich, and Respondent, Schott North America, Inc., is ACCEPTED as a filing in this case;

IT IS FURTHER ORDERED that the parties' Joint Motion for a Stay of Proceedings is DENIED;

IT IS FURTHER ORDERED that the parties shall make their initial disclosures and file their prehearing statements on or before August 7, 2026; and

IT IS FURTHER ORDERED that an initial telephonic prehearing conference in this matter will be held on Thursday, August 13, 2026, at 1:00 p.m. Eastern Time. Both parties shall attend the prehearing conference by calling telephone number [xxx-xxx-xxxx] and entering the meeting number ([xxxx xxxx]) and password ([xxxx]).

SO ORDERED.

Honorable Carol A. Bell
Chief Administrative Law Judge