

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

August 12, 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 GRANTING JOINT MOTION FOR EXTENSION OF TIME, 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. 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.

On July 14, 2026, the Court issued an Order Denying Joint Motion for Stay of Proceedings, Extending Deadline for Initial Disclosures and Prehearing Statements, and Rescheduling Initial Prehearing Conference. *Zimnovich v. Schott N. Am., Inc.*, 23 OCAHO no. 1722 (2026).¹ Through that Order, the Court accepted as a filing in this case the June 30, 2026, joint letter submitted by Complainant and Respondent. *Id.* at 5. The Court then denied the parties' Joint Motion for a Stay of Proceedings. *Id.* The Court, however, did extend the deadlines in this case, permitting the parties through August 7, 2026, to make their initial disclosures and file their prehearing statements. *Id.* Lastly, the Court rescheduled the initial telephonic prehearing conference in this matter for August 13, 2026. *Id.*

On August 6, 2026, the parties jointly submitted a Stipulation for Extension of Time.

II. DISCUSSION AND ANALYSIS

Pending before the Court is the parties' Stipulation for Extension of Time which was signed by Complainant and Respondent's counsel. Stip. for Ext. of Time 2. Through that filing, which the Court construes as a joint motion for an extension of time,² the parties seek additional time to file their prehearing statements and

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 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>.

² 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 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

make initial disclosures. *Id.* at 1. Specifically, they ask the Court to extend the deadline from August 7, 2026, to August 21, 2026. *Id.* Further, the parties propose that the Court reschedule the August 13, 2026, initial prehearing conference to one of three agreed dates and times later in the month of August. *Id.* As grounds for the requested extension of time, the parties represent that they “have made substantial progress in their good-faith settlement discussions and are currently finalizing the terms of a settlement that would fully resolve this matter.” *Id.*

“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.” *United States v. Space Expl. Techs.*, 18 OCAHO no. 1499, 5 (2023); *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”). Here, the Court finds good cause to permit the requested extension of time and to reschedule the initial prehearing conference. While this is the parties’ second request for an extension, the request is jointly made, and the parties seek a relatively short two-week extension of time to enable them to finalize their fruitful settlement negotiations. *See* Stip. for Ext. of Time 1. Given the posture of this case, the Court finds the requested extension to be both reasonable and appropriate. Accordingly, the Court now revises the deadlines it previously set and reschedules the initial prehearing conference as set forth below.

A. Prehearing Statements and Initial Disclosures

On or before August 21, 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).

B. Rescheduled Initial Prehearing Conference

In accordance with 28 C.F.R. § 68.27(d), the initial prehearing conference scheduled for August 13, 2026, is canceled. The Court now reschedules the initial telephonic prehearing conference with the parties in this matter for Wednesday, August 26, 2026, at 1:00 p.m. Eastern Time, for purposes of setting a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing

Judge [ALJ] in the course of an oral hearing consents to accept such motion orally.” 28 C.F.R. § 68.11; *see also* Fed. R. Civ. P. 7(b) (“A request for a court order must be made by motion.”). OCAHO’s Rules are available in the Electronic Code of Federal Regulations. *See* <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

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 question regarding the case.

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 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 Stipulation for Extension of Time filed by Complainant, Igor Zimnovich, and Respondent, Schott North America, Inc., which the Court construes as a joint motion for an extension of time, is GRANTED;

IT IS FURTHER ORDERED that the parties shall make their initial disclosures and file their prehearing statements on or before August 21, 2026;

IT IS FURTHER ORDERED that the initial prehearing conference scheduled for Thursday, August 13, 2026, at 1:00 p.m. Eastern Time is CANCELED; and

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.

IT IS FURTHER ORDERED that an initial telephonic prehearing conference in this matter will be held on Wednesday, August 26, 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