

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

September 15, 2026

RAVI SHARMA,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2026B00017
	)	
	)	
CISCO SYSTEMS, INC.,	)	
Respondent.	)	
	)	

Appearances: Ravi Sharma, pro se Complainant
K. Edward Raleigh, Esq., Anna Perina, Esq., and Samatha Caesar, Esq.,
for Complainant

ORDER SUMMARIZING THIRD PREHEARING CONFERENCE – GRANTING
RESPONDENT MOTION FOR IN PERSON DEPOSITION

I. PROCEDURAL HISTORY

On May 19, 2026, the Court conducted an initial prehearing conference. During the conference, the Court informed the parties that Initial Disclosures would be required. The Court then set forth a detailed explanation with instructions regarding initial disclosures.

On June 22, 2026, Complainant filed a submission providing notice related to Initial Disclosures, discovery generally, and his desire to amend his Complaint.

On June 24, 2026, the Court held a second prehearing conference, during which it provided guidance to the parties on meeting and conferring during the proceedings. Specifically, Complainant expressed a desire to meet and confer via email exclusively. The Court counseled Complainant that parties can select the method through which they communicate, and there are benefits and drawbacks to the various approaches. The Court declined to mandate a particular method of communication at the second prehearing conference (and it now confirms it will continue to abstain from providing such a mandate now).

At the second prehearing conference, the Court placed limits on discovery (which can be altered via motion practice). As the Court noted for the parties, it was mindful of the narrow nature of the allegation (non-selection (based on citizenship status) for a “Hardware Engineer – FPGA” job to which Complainant applied on August 27, 2024), and was aware some discoverable information had already provided through Initial Disclosures. With these datapoints in mind, the Court limited discovery in the following manner:

1. 10 (inclusive of subparts) interrogatories,
2. 10 (inclusive of subparts) requests for production,
3. 10 (inclusive of subparts) requests for admissions, and
4. 1 deposition.

As to deadlines, the Court informed the parties:

Motions to compel may not be filed before September 17, 2026, but must be filed by September 29, 2026, unless the Court receives other discovery related motions (as explained below).

If either side desires additional discovery (and can demonstrate good cause as to the necessity of that additional discovery), they may request that discovery through a written motion. Any such motion shall be filed by September 29, 2026. If the Court receives any discovery-related motions, the parties can anticipate a revised deadline for motions to compel (and if such a revised deadline is given any prior filed motion to compel (or response) may be supplemented in advance of the revised deadline).

Finally, that conference set a date for a future conference (September 17, 2026), which is now VACATED, as the Court has held a prehearing conference on Thursday, September 10, 2026. This Order serves as both the summary of that conference (where a motion pertaining to depositions and the case schedule were discussed) and a ruling on the pending motion.

On August 20, 2026, the Court granted Complainant leave to amend his Complaint. The proposed amendment was timely filed on September 4, 2026. The allegation at issue is now:¹

Complainant applied... for the job Hardware Engineer – FPGA on August 27, 2024... [He] was interviewed... on October 1, 2024... On October 2, 2024 [Complainant] received a voicemail... that [Respondent] was not interested [in hiring Complainant]... [Respondent] has hired H-1B visa candidates for the position... who [were] not equally qualified...

Amended Complaint 17-8.

¹ The proposed amendment changes only the post-rejection action by Respondent.

II. POSITIONS OF THE PARTIES REGARDING DEPOSITION OF COMPLAINANT

A. Respondent Motion to Enforce Compliance (In-Person Deposition)

On September 3, 2026,² Respondent filed a Motion to Enforce Compliance with Notice of In-Person Deposition and Request for Expedited Review (of that Motion).³

Through its Motion and Exhibits, Respondent informs the Court it sent a Notice of Deposition to Complainant on August 31, 2026 for an in-person deposition on September 18, 2026. Motion 1. The Respondent seeks an order for in-person attendance for the deposition.

Respondent sent its Notice of Deposition following efforts to confer on logistics, to wit: on August 28, 2026, Respondent's Counsel proposed a deposition date (September 11, 2026) and location (court reporting office in San Jose, California). Motion 4; Resp. Ex. B 4. That correspondence provided Complainant with an opportunity to suggest alternate dates, but not alternate location or method. *Id.* In conferring via email, Complainant informed Respondent he desired an alternate method, but did not take issue with the date. *Id.*

Ultimately, Respondent sent a Notice of Deposition, not selecting the originally identified date, but shifting the date back a week to September 18, 2026, with an opportunity to suggest an alternate date. Motion 5, Resp. Ex. A, Resp. Ex. B. In response to the Notice, Complainant informed Respondent he would maintain his position (that he desired a remote option or written interrogatories). Motion 5, Resp. Ex. B.

At the September 10, 2026 prehearing conference, the Court learned that Complainant initially informed Respondent he was not available on September 18, 2026; however, Complainant clarified (at the prehearing conference) that he was available from 10:00am to 2:00pm PT.

Respondent argues it properly noticed an in-person deposition, noting it complied with OCAHO's regulatory requirements at 28 C.F.R. § 68.22(a) and (b)(1) (identifying the deponent, providing time and place (i.e. address) of the deposition, providing at least ten days' written notice, and the method of recording the testimony). Motion 6-7.

² The Motion predates the amendment; however, it postdates the Court's grant of leave to amend. In its Motion, Respondent notes:

The ALJ granted leave to make a narrow amendment. (Order Granting Leave to File Amended Complaint at 8–10 (Aug. 20, 2026) (“Aug. 20 Order”).) The ALJ made clear that the amendment did not expand the proceeding to other Cisco vacancies. (*Id.* at 8–9.) The case remains limited to the same vacancy, application and interview process, and alleged basis for discrimination. (*Id.* at 9–10.) The ALJ also anticipated that the discovery already served would remain “well-suited” to ascertain the information needed to present the parties' claims and defenses. (*Id.* at 10 n.9.)

Motion 4.

³ The Court's decision to hold a short notice prehearing conference to discuss the Motion functionally GRANTS the latter request (to expedite review).

Next, Respondent notes that Complainant, who objects to the method/location (in-person vice remote), bears the burden to move for a protective order; arguing that even if he were to move for one, Complainant would not be able to meet his burden to obtain one (citing 28 C.F.R. § 68.18(c)) Motion 7. Respondent argues its position on this point is consistent with Fed. R. Civ. P. 30(b)(4). Motion 7. Respondent also highlights the deposition will take place “in a professional court-reporting facility, near Complainant.” Motion 10.

As to remote versus in-person (or alternatively, written interrogatories), Respondent argues:

The deposition will require a careful comparison of the exhibits to Mr. Sharma’s filings and Cisco’s records. An in-person examination will allow counsel, the witness, and the court reporter to work from the same marked exhibit set. Counsel can identify the precise document, page, and data field under discussion, compare related records, and ask immediate follow-up questions based on Mr. Sharma’s answers.

Written interrogatories would not provide that opportunity. Cisco could not adjust its examination based on an answer, present a related record when an answer raises a new issue, or clarify testimony that is incomplete or ambiguous.

A remote oral deposition would permit follow-up questions, but it would be less suited to a four- to five-hour examination involving a sequence of related records and comparisons among them. Cisco has been limited to one deposition and should be permitted to conduct that examination through the reasonable method it selected, absent good cause for a change.

Motion 9.

In support of its position, Respondent offers a recent District Court decision, noting the Magistrate Judge “required an in-person deposition where the witness was central to the disputed facts, credibility mattered, and counsel needed to examine and cross-reference documents during the deposition.” Motion 9; *citing Boxabl, Inc. v. Brave Control Solutions, Inc.*, No. 2:25-cv-00580-JAD-BNW, 2026 WL 1786357, at *2–3 (D. Nev. June 22, 2026).⁴

⁴ In *Boxabl* the Magistrate Judge noted she construed the motion (in that case) as a:

[R]equest for an order governing format and location of... [a] deposition pursuant to Rule 26 and 30. This request reflects a live dispute in need of Court involvement. And, unlike a motion under FRCP 30(g) or FRCP 37(d), this Court need not ascertain that the deposition has been properly noticed to resolve this dispute.

Lastly, this Court has broad discretion to control all aspects of pretrial discovery, *see Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988), including the time, place, and manner of depositions. *See* Fed. R. Civ. P. 26(c)(1)(B); *Hyde & Drath v. Baker*, 24 F.3d 1162, 1165 (9th Cir. 1994). This Court now exercises that discretion to address the parties' dispute on the merits.

Boxabl, Inc. v. Brave Control Solutions, Inc., No. 2:25-cv-00580-JAD-BNW, 2026 WL 1786357, at *2–3 (D. Nev. June 22, 2026).

The Magistrate Judge continued on, analyzing the issue on the merits, finding:

Courts have broad discretion in determining the time and place of depositions. *Hyde*, 24 at 1165. The governing rules provide that the parties may stipulate, or the court may order on motion, “that a deposition be taken by telephone or other remote means.” Fed. R. Civ. P. 30(b)(4).

Courts within the Ninth Circuit have observed that leave to take depositions remotely should be granted liberally. *See Pruco Life Ins. Co. v. Cal. Energy Dev. Inc.*, 2021 U.S. Dist. LEXIS 209840, 2021 WL 5043289, at *14 (S.D. Cal. 2021). But the party seeking a remote deposition pursuant to Rule 30(b)(4) must first establish a legitimate reason. *Kaseberg v. Conaco, LLC*, 2016 U.S. Dist. LEXIS 111767, 2016 WL 8729927, at *5 (S.D. Cal. 2016). The burden then shifts to the opposing party to show prejudice if the motion is granted. 2016 U.S. Dist. LEXIS 111767, [WL] at *6.

Some courts in this Circuit have observed that the opposing party must make a “particularized showing” of prejudice. *See Schoonover v. Iovate Health Scis. U.S.A. Inc.*, 2020 U.S. Dist. LEXIS 229602, 2020 WL 7094061, at *1 (C.D. Cal. 2020); *Hernandez v. Bobst Grp. N. Am.*, 2020 U.S. Dist. LEXIS 190610, 2020 WL 6063143, at *2 (E.D. Cal. 2020).

However, “remote depositions, particularly of a party or key witness, will [not] always be appropriate.” *Henry v. Tacoma Police Dep’t*, No. 3:22-CV-05523-LK, 2023 U.S. Dist. LEXIS 151542, 2023 WL 5530201 *3 (W.D. Wash. Aug. 28, 2023). “Although remote depositions have become more common since the COVID-19 pandemic, this is ‘not an indication that the Court intends to allow parties to use COVID-19 as carte blanche to avoid in-person depositions. Such matters must be determined on a case-by-case basis.’” *Smartwings, A.S. v. Boeing Co.*, No. C21-918 RSM, 2023 U.S. Dist. LEXIS 72159, 2023 WL 3075698, at *2 (W.D. Wash. Apr. 25, 2023) (internal citation omitted).

Id at *4.

The Magistrate Judge next noted that:

[W]hile it is true that the Ninth Circuit has a liberal practice of granting requests for remote depositions, this Court finds no legitimate reason to grant [the deponent’s] request... [Deponent’s] refusal to appear in person under any circumstances, including in his own city, suggests that his opposition is driven less by travel burdens and more by an unwillingness to submit to an in-person examination...

Even if [the Deponent] had met his burden, Plaintiff has demonstrated particularized prejudice from proceeding remotely... First, Plaintiff argues that credibility and demeanor are central to this case. This is not a generic preference for in-person examination...

Courts have recognized that when credibility and state of mind are central disputed issues, in-person examination may be particularly appropriate. *See JUUL Labs Inc. v. Chou*, No. 2:21-cv-03056-DSF-PD, 2022 U.S. Dist. LEXIS 25460, 2022 WL 2165411, at *4 (C.D.

B. Complainant Opposition to an In-Person Deposition

On September 9, 2026, Complainant filed his Opposition to Respondent's Motion. He does not take issue with the timeline or description of the efforts to confer over deposition logistics.

Instead, he notes "there has been a COVID alert in this area... [he would] take public transportation for in-person deposition, which will put [his] health at risk." Opposition 1.

At the prehearing conference on September 10, 2026, the Court further developed the record on this issue. Specifically, the Court inquired about the COVID levels in Complainant's local area, and the source of his information surrounding COVID levels. Specifically, Complainant confirmed San Jose, California and Santa Clara County, California as his local city and county. He indicated he learned of potential COVID alerts through an application called "Next Door," where an individual shared information regarding COVID transmission at a recent large gathering. Complainant confirmed he did not reference local city or county public health sources (including websites) in assessing COVID risk in the area.

Complainant also informs the Court that "California Code of Civil Procedure- CCP § 2025.310 allows parties to take "a deposition by telephone or other electronic means." Opposition 1.

He relays "there is no support in the federal rules for the view that one party can unilaterally dictate that a deposition will be conducted in person." Opposition 2. He also argues "there is no prejudice to the respondent because remote deposition has been done [in other cases.]" Opposition 3.

Cal. Feb. 11, 2022) (ordering in-person depositions where willfulness and state of mind were the central remaining issues and credibility concerns were case-specific rather than speculative); *see also Huddleston v. Bowling Green Inn of Pensacola*, 333 F.R.D. 581, 586 (N.D. Fla. 2019) (observing that remote depositions lack the benefits of in-person confrontation and limit the assessment of demeanor and nonverbal conduct).

Although this Court agrees that credibility can be evaluated during a remote deposition, an in-person deposition provides a superior setting for assessing a witness's demeanor and credibility. It also allows examining counsel to observe the witness and surrounding environment more completely, assess nonverbal cues and interactions, and make real-time decisions regarding the direction of the examination. This is particularly true here, given both the centrality of [the Deponent's] credibility and the need to examine and cross-reference numerous financial records during the deposition.

Under these circumstances, requiring Plaintiff to proceed remotely would materially impair its ability to conduct an effective examination. The deposition shall therefore proceed in person.

Id., at *7-8.

He then cites two federal district court cases to support his position - *Kamradt v. Esurance Ins. Co.*, No. 2:22-cv-01445-TL, 2023 U.S. Dist. LEXIS 214385 (W.D. Wash. Dec. 1, 2023)⁵ and *Vargas v. Evergreen Profl Recoveries Inc.*, No. 2:21-cv-00926-RSL-JRC, 2022 LX 115934 (W.D. Wash. Mar. 23, 2022).⁶

While not germane to his position on the method of deposition, Complainant does provide comment on his assessment of Respondent's counsel's character and conduct in the forum.

⁵ While this case does not directly stand for the proposition outlined by this pro se Complainant, the District Court did note: "A district court has broad discretion to control discovery." *Kamradt v. Esurance Ins. Co.*, No. 2:22-cv-01445-TL, 2023 U.S. Dist. LEXIS 214385 *2 (W.D. Wash. Dec. 1, 2023); citing *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002).

This particular case looked at deposition-related discovery dispute through the lens of Federal Rule of Civil Procedure 37, which outlines when a Court may compel parties to take certain actions following a discovery dispute.

When attendance at a deposition is at issue (and when analyzed under Rule 37), the following holds true:

Rule 37 permits a party to move to compel deposition testimony only *after* a deponent refuses to respond to specific questions asked during a deposition or otherwise fails to appear for a properly noted deposition. *See* Fed. R. Civ. P. 37(a)(3)(B)(1); *see also*, e.g., *Yagman v. Edmondson*, No. C15-7210, 2016 WL 10651068, at *4 (C.D. Cal. June 6, 2016) ("Generally, a motion to compel attendance at a deposition is premature until the party fails to appear following service of a properly noticed deposition."); *Tian-Rui Si v. CSM Inv. Corp.*, No. C06-7611, 2007 U.S. Dist. LEXIS 103568, 2007 WL 9232170, at *1 (N.D. Cal. July 25, 2007) ("At this time, Defendant Chen has not failed to appear because the deposition date is still in the future. Accordingly, the motion to compel . . . [is] premature and must be denied without prejudice.").

Id. at *4-5.

⁶ In this case, the District Court referred the matter to a Magistrate Judge, who considered whether a remote deposition should be ordered (vice an in person one) under Federal Rule of Civil Procedure 30(b)(4).

In that case, the Magistrate Judge considered the plaintiff's concerns regarding the COVID-19 pandemic (in early 2022). *Vargas v. Evergreen Profl Recoveries Inc.*, No. 2:21-cv-00926-RSL-JRC, 2022 LX 115934, *1-2 (W.D. Wash. Mar. 23, 2022). The plaintiff in that case provided specific information regarding concerns about family members with particular comorbidities, and the Magistrate Judge also considered the District Court's then-posture regarding public safety measures. *Id.* at *3-5.

While the Magistrate Judge in that case concluded a remote deposition under Rule 30 was the appropriate outcome in that case, he cautioned that "this ruling is not an indication that the Court intends to allow parties to use COVID-19 as *carte blanche* to avoid in-person depositions. Such matters must be determined on a case-by-case basis." *Id.* at 6.

C. LAW & ANALYSIS

Taking the issues out of order, the Court will first address Complainant's comments pertaining to Respondent's counsel.

In the Court's Order Granting Leave to Amend the Complaint (issued on August 20, 2026), the Court declined to consider Complainant's proposed Reply filing because it contained concerning and unfounded comments regarding Complainant's assessment of Respondent's counsel.

In that Order, the Court relayed to Complainant:

Complainant (who is pro se) must understand that, while proceedings are inherently adversarial, parties must always remain professional. Respondent's counsel has done nothing more than advocate on behalf of his client - appropriately leveraging regulations, precedential caselaw and information to which he has access. Nothing about his filings or conduct in this case causes the Court concern. Complainant should consider this as notice that personal attacks on opposing counsel will not be tolerated in this forum. *See* 28 C.F.R. § 68.35.

Order Granting Leave to File Amended Complaint 4 (August 20, 2026).

Mindful of Complainant's pro se status, the Court further clarified the expectations it set forth in its August 20, 2026 Order at the September 10, 2026 Prehearing Conference. The Court explained that Respondent's pending Motion pertaining to this deposition issue accurately cites applicable regulation and caselaw, which Respondent seeks to leverage for his client's benefit. This is his job. Further, Respondent's counsel has not misrepresented facts, and has accurately cited to exhibits. The Court takes allegations surrounding conduct very seriously.

To ensure Complainant understands the expectations of conduct in the forum, the Court read the applicable regulation at 28 C.F.R. § 68.35(b) to him during the prehearing conference:

The Administrative Law Judge may exclude from proceedings parties, witnesses, and their representatives for refusal to comply with directions, continued use of dilatory tactics, refusal to adhere to reasonable standards of orderly and ethical conduct, failure to act in good faith, or violation of the prohibition against *ex parte* communications.

Additionally, the Court places Complainant on notice that Administrative Law Judges have "all appropriate powers necessary to conduct fair and impartial hearings." 28 C.F.R. § 68.28(a).

To that end, the regulation provides an enforcement mechanism to ensure Administrative Law Judge are able to conduct fair and impartial hearings, to wit:

If any person in proceedings before an Administrative Law Judge disobeys or resists any lawful order or process... [then] the Administrative Law Judge responsible for the adjudication, where authorized by statute or law, apply through

appropriate counsel to the Federal District Court having jurisdiction in the place in which he/she is sitting to request appropriate remedies.

28 C.F.R. § 68.28(b).

The Court emphasized that if Complainant continues to engage in this conduct it may impact his ability to present his case and have his allegation adjudicated on the merits.

After ensuring no further questions on the standards and expectations in the forum, the Court next covered the date of the proposed deposition.

First, the Respondent has met the notice requirements outlined at 28 C.F.R. § 68.22(a). Complainant did not take a position in either his opposition filing or at the prehearing conference to the contrary. While there may have been some confusion about Complainant's availability, Complainant did confirm he is available on that date from 10:00am to 2:00pm PT on the date noticed by Respondent.

The central issue here is whether the deposition will be in person or via remote means. For the reasons articulated in the prehearing conference (and memorialized here), the Court ORDERS the deposition to be conducted in person (GRANTING Respondent's Motion).

First, the Court looked to its own regulations regarding depositions. According to the regulations, depositions "*may* be taken by oral examination or upon written interrogatories..." 28 C.F.R. § 68.22(a)(1) (emphasis added).⁷ This permissive language indicates both flexibility for parties conferring on logistics and discretion for the Court when weighing in on logistics-related issues brought before it.

Federal Rule of Civil Procedure 30(b)(4) squarely addresses depositions by remote means. *See* 28 C.F.R. § 68.1. The Rule states: "The parties may stipulate – or the court may on motion order – that a deposition be taken by telephone or other remote means." Fed. R. Civ. P. 30(b)(4). As the cases cited by both litigants confirm, courts have broad discretion in logistics-related deposition issues. *See Boxabl, Inc. v. Brave Control Solutions, Inc.*, No. 2:25-cv-00580-JAD-BNW, 2026 WL 1786357, at *2–3 (D. Nev. June 22, 2026) *citing Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988), Fed. R. Civ. P. 26(c)(1)(B); *Hyde & Drath v. Baker*, 24 F.3d 1162, 1165 (9th Cir. 1994); *see also Vargas v. Evergreen Profl Recoveries Inc.*, No. 2:21-cv-00926-RSL-JRC, 2022 LX 115934 (W.D. Wash. Mar. 23, 2022).

While the Court recognizes it is Respondent, the party noticing the deposition, who sets the location in the notice (and thus it is Complainant, as deponent, who would then need to move for a protective order⁸ to formally trigger Rule 30(b)(4)), the Court did conduct a limited inquiry with

⁷ While the Court does not use the "California Code of Civil Procedure" referenced by Complainant, it would note that the OCAHO regulations appear consistent with the Code cited by Complainant in his Opposition. Opposition 1.

⁸ The Court may issue a protective order in appropriate circumstances, as outlined at 28 C.F.R. § 68.18(c). ("Upon motion by a party or the person from whom discovery is sought, and for good cause shown, the

Complainant during the prehearing conference to probe whether a protective order (one requiring remote deposition) merited considering here.⁹ After a colloquy with Complainant during the conference, the Court concluded a protective order was not warranted.

Specifically, the Court noted the Complainant, in his Opposition filing, referenced a COVID-related concern, and provided a district court case analyzing a deposition during the COVID pandemic. The Court concluded the facts regarding COVID concerns provided by Complainant were distinguishable from the facts outlined in the *Vargas* case.¹⁰ As a result, the COVID concerns¹¹ outlined by Complainant would not support a protective order requiring the deposition be conducted by remote means. Further, Complainant acknowledged the selected location was within this local area and that it was a “neutral” location.

In addition to the analysis auguring against a protective order, the Court found the *Boxabl* case cited by Respondent to be particularly persuasive. *Boxabl, Inc. v. Brave Control Solutions, Inc.*, No. 2:25-cv-00580-JAD-BNW, 2026 WL 1786357, at (D. Nev. June 22, 2026). The Magistrate Judge in that case provided a thorough analysis of Rule 30(b)(4), and a comparison of the facts in that case to the facts in this case causes the Court to conclude they are sufficiently analogous to merit the same conclusion.

While the credibility concerns may not be at the forefront of Respondent rationale for noticing an in-person deposition, Respondent provided meaningful specificity on comparing multiple exhibits and data fields within those exhibits. Further, Complainant confirms availability of only four hours, which further necessitates an in-person deposition as Respondent will need to work expeditiously to cover all desired topics within the allotted timeframe.

Administrative Law Judge may make any order that justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense...”)

⁹ The Court deemed it prudent to do so given this Complainant is pro se, and, based on his Opposition, may not have fully appreciated the nuance and complexity of the Rules governing discovery.

¹⁰ Specifically, the Magistrate Judge in *Vargas* made his decision in early 2023, just as communities were opening up following the height of the pandemic, whereas the COVID-related concerns in this case are occurring in 2026, roughly four years later. Additionally, the individual resisting an in-person deposition in the *Vargas* case had articulable comorbidities and concrete concerns for family members not articulated here. Finally, the *Vargas* case relied on public health data and information from official sources, here, Complainant references one anecdotal mention of COVID in a social application.

¹¹ Recognizing Complainant’s concerns, the Respondent provided an estimate of the number of individuals in the room, ensured social distancing would be maximized, and indicated there would be no objections to Complainant wearing a mask during his deposition.

IV. REVISED CASE SCHEDULE

With the deposition method resolved, the Court discussed the case deadlines with the parties. Following that discussion, the Court revised the case schedule as follows:

If either side desires additional discovery (and can demonstrate good cause as to the necessity of that additional discovery), they may request that discovery through a written motion. Any such motion shall be filed by **September 29, 2026**. The Court clarified for the parties that if such a motion were timely filed and granted, parties could anticipate revised deadlines pertaining to discovery and discovery-related motion practice.

Parties must file motions to compel by **October 6, 2026**.

While the Court did not expressly discuss motions seeking protective orders, the Court now informs the parties to carefully consider whether they desire protective order(s) in this case surrounding discovery. If so, they should first attempt to meet and confer over proposed language for a protective order, and then file a motion as soon as practicable. Parties should be prepared to discuss protective orders at the next prehearing conference.

The next prehearing conference is set for September 30, 2026 1:30pm ET.¹²

SO ORDERED.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹² Please note the change in the Court's practice of setting prehearing conference times referencing PT. The next conference will be at 10:30am PT (1:30pm ET) as stated in the September 10, 2026 prehearing conference.