

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

March 14, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2021A00052
)	
KODIAK OILFIELD SERVICES, LLC,)	
Respondent.)	
_____)	

Appearances: Martin Celis, Esq., for Complainant
Sonia Braddock, pro se Respondent

ORDER PROVIDING REVISED FILING DEADLINES

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a.

On September 2, 2019, Respondent’s (then) counsel, Attorney Crutchfield,¹ requested a hearing. *See* Compl. 10.

On August 9, 2021, the United States Department of Homeland Security, Immigration and Customs Enforcement (DHS) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). In the Complaint, DHS alleged Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for fifty-five employees.

On August 9, 2021, the Court sent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA) to Attorney Crutchfield’s law firm and separately to the Respondent, at the address on listed on the Complaint.

¹ On September 8, 2022, the Court granted a motion permitting Attorney Crutchfield and the law offices of Templeman and Crutchfield to withdraw from the case.

Although the NOCA sent to Attorney Crutchfield was successfully delivered (signed for by his law partner Attorney Templeman), the United States Postal Service (USPS) website the NOCA may not have successfully arrived at Respondent's address.²

After Respondent (through counsel) failed to file an answer or respond to an Order to Show Cause, on June 2, 2022 the Court issued an Order of Default Judgment on Liability (Default Order). The Court allowed the parties to provide supplemental filings on penalties. Default Order 4-5. The Court warned that failure to timely provide a submission would constitute a waiver of the party's right to be heard on penalties. *Id.* at 5. Filings on penalties were due on June 24, 2022.

On August 2, 2022, Attorney Templeman filed a Motion to Withdraw as Counsel (Motion to Withdraw). The Court found good cause to grant the motion and did so on September 8, 2022. *See* Order Granting Motion to Withdraw Counsel and Granting Motion to Accept Late Filing (Withdrawal Order) 3. In this motion, Attorney Templeman provided a last known address for the Respondent. *Id.* at 4. The address he provided is different than the address provided in the Complaint.

In the Withdrawal Order, the Court also directed Respondent to submit its supplemental filing on penalties referenced in the Default Order on or before November 1, 2022. *Id.* at 3. The Court sent the Withdrawal Order to the address provided for Respondent in the Complaint. To date, Respondent has not filed a supplemental briefing on penalties.

The Court now issues this Order revising the filing deadlines contained in the September 8, 2022 Withdrawal Order. This Order shall be served on the address listed by former Respondent's counsel, which is different than the address provided to the Court in the Complaint. As a courtesy, the Court has included a copy of the September 8, 2022 Withdrawal Order with this Order.

This Order does not disturb the analysis of the previous Default Order, nor does it change the procedural posture of the case. This Order only changes the deadlines, which will allow Respondent additional time to submit a filing on penalties.

Respondent now has until **May 13, 2023** to submit a supplemental filing on penalties. The Court provides 60 days to ensure Respondent has sufficient time to obtain counsel (should it choose to do so), and provide a responsive filing.

As noted in the Default Order, Respondent may submit matters regarding "the statutory factors, or any non-statutory factors rooted in equity." Default Order 5.

² The USPS website indicates that the NOCA arrived at the USPS facility in Carlsbad, NM on September 17, 2021, but is "currently in transit to the destination."

Respondent is again advised that failure to timely provide a supplemental filing on penalties shall constitute a waiver of its opportunity to be heard on penalties. *See id.*
The posture of the case and analysis contained in the Default Order otherwise remains in place.

SO ORDERED.

Dated and entered on March 14, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge