

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

June 8, 2023

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2023A00053
	)	
ECO BRITE LINENS LLC	)	
D/B/A ECOBRITE LINEN,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Geoffrey Gilpin, Esq., for Complainant  
Ritika Narayanan, Esq., for Respondent

ORDER SUMMARIZING PREHEARING CONFERENCE

On June 7, 2023, the Court held a prehearing conference in OCAHO Case No. 2023A00053, pursuant to 28 C.F.R. § 68.13(a).<sup>1</sup> Geoffrey Gilpin, Esq., appeared for Complainant. Ritika Narayanan, Esq., appeared for Respondent. The following issues were discussed: settlement, submissions received in advance of the prehearing conference, and the case schedule.<sup>2</sup>

The Court discussed the Settlement Officer Program. The parties are presently engaged in settlement discussions and are interested in OCAHO's Settlement Officer Program.<sup>3</sup> Following

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<sup>1</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

<sup>2</sup> During the conference, the Court confirmed that it had registration forms from both parties, such that the case could be approved for OCAHO's voluntary electronic filing pilot program.

<sup>3</sup> Policy Memorandum 20-16, which establishes OCAHO's Settlement Officer Program and sets forth guidance, is available at: <https://www.justice.gov/eoir/page/file/1300746/download>. For the parties' benefit, this Order also includes pincite references to the Memorandum where applicable.

written consent from both parties,<sup>4</sup> the presiding ALJ may refer a matter to the Settlement Officer Program, wherein a Settlement Officer provides free mediation services. PM 20-16 ¶¶ I, II.A. The parties could request a Settlement Officer Program referral up to 30 days prior to a scheduled hearing date. *Id.* ¶ II.D.1. While settlement negotiations before the Settlement Officer shall not exceed 60 days from the date of referral, the Settlement Officer may seek to extend the time by up to 30 days. *Id.* ¶ II.D.2. Finally, case deadlines (such as the discovery window) may be stayed during a Settlement Officer Program referral.

Following settlement, the parties may file a motion to dismiss based on notice of settlement. 28 C.F.R. § 68.14(a)(2).

Complainant proactively filed a prehearing statement in this case. As a matter of parity, the Court informed Respondent it could file a statement at this time as well, but there was no requirement to do so yet. Prehearing statements will be required at a later phase of the proceedings.

The Court ruled on Respondent's Motion to Accept Untimely Filing, which accompanied the answer filed on May 26, 2023. Respondent had proffered sufficient good cause as to its untimely answer. The Court therefore GRANTED the motion and ACCEPTED the answer. *See United States v. De Jesus Corrales-Hernandez*, 17 OCAHO no. 1454, 3 (2022) (citations omitted)<sup>5</sup> (“[T]he Court employs a standard of good cause in deciding whether to credit a party's explanations and exercise discretion in accepting a late filing.”); 28 C.F.R. §§ 68.11(a), 68.13(a)(2)(ix).

The Court noted parties can file a motion requesting another prehearing conference at any time.

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<sup>4</sup> Following the conference, the ALJ determined that Complainant had consented to a referral to the Settlement Officer Program by way of its prehearing statement. Complainant need not submit a separate written consent. If Respondent also desires referral to the Settlement Officer Program, it must submit written consent indicating such.

<sup>5</sup> 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 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 <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

The Court also provided a case schedule after consultation with the parties, which is as follows:<sup>6</sup>

Discovery closes (discovery motions due): August 8, 2023

Dispositive motions due: September 7, 2023

Responses to dispositive motions due: October 7, 2023<sup>7</sup>

Tentative Hearing Date: January or February 2024

Hearing location: Chicago, IL

SO ORDERED.

Dated and entered on June 8, 2023.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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<sup>6</sup> As referenced above, these deadlines may be stayed by the Court (such as during a referral to the Settlement Officer Program) or upon motion by a party.

The ALJ further stated that a party may file a motion to schedule a future prehearing conference, pursuant to 28 C.F.R. § 68.13(a).

<sup>7</sup> 27 C.F.R. § 68.11(b) provides that “no reply to a response, counter-response to a reply, or any further responsive document shall be filed” unless the Court grants leave for such.