

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

ALEXANDER BURKE,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2023B00055
ALARM.COM, INC.,	)	
Respondent.	)	
	)	

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Appearances: Ryan Kenny, Esq., for Complainant  
Sean McCrory, Esq., and Monica Rodriguez, Esq., for Respondent

ORDER MEMORIALIZING PREHEARING CONFERENCE  
AND REFERRING CASE TO SETTLEMENT OFFICER PROGRAM

I. PREHEARING CONFERENCE

On July 18, 2023, the undersigned conducted a telephonic prehearing conference in the above-captioned matter pursuant to 28 C.F.R. § 68.13.<sup>1</sup> Ryan Kenny, Esq., appeared on behalf of Complainant. Sean McCrory, Esq., and Monica Rodriguez, Esq., appeared on behalf of Respondent. The Court convened the call to discuss the status of settlement negotiations and discovery, along with development of a case schedule.

The Court first discussed settlement with the parties. The parties indicated their interest in alternate dispute resolution, including OCAHO's Settlement Officer Program.<sup>2</sup> The Court confirmed that while Respondent requested a Settlement Officer Program referral through its prehearing statement, Complainant's prehearing statement was less clear on this. The Court noted that once it received Complainant's written consent, the matter would be referred to the Program.

The Court then inquired as to the parties' interest in a stay of discovery, given the potential referral. Both parties indicated their interest in a stay of discovery. Accordingly, the Court

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

<sup>2</sup> <https://www.justice.gov/eoir/page/file/1300746/download>.

declined to enter a scheduling order. Instead, the Court stayed discovery until October 16, 2023, after which the Court would set another conference.

## II. REFERRAL TO SETTLEMENT OFFICER PROGRAM

On July 19, 2023, the Court received Complainant's written consent for a Settlement Officer Program referral. The Court now has written consent from Complainant and Respondent.

Pursuant to Director McHenry's August 3, 2020 EOIR Policy Memorandum 20-16, a presiding ALJ may make a referral to the Settlement Officer Program upon written consent of both parties. Having received such consent, the Court ORDERS that this matter be referred to the Settlement Officer Program for a period of sixty days, beginning July 31, 2023. All proceedings are STAYED during the referral period. OCAHO shall distribute copies of the Settlement Officer Program's rules to the parties with this Order.

The Court designates Administrative Law Judge Andrea Carroll-Tipton as the Settlement Officer for this case. Should the parties reach a settlement, they shall inform the ALJ of such settlement and provide the appropriate filing. *See* 28 C.F.R. § 68.14.

Dated and entered on July 31, 2023

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Honorable John A. Henderson  
Administrative Law Judge