

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

August 1, 2023

UNITED STATES OF AMERICA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 2020A00002
)	
EL CAMINO, LLC,)	
)	
Respondent.)	
_____)	

Appearances: Hazel L. Gauthier, Esq., for Complainant
David L. Dotson, Esq., for Respondent

ORDER ON COMPLAINANT’S THIRD MOTION TO EXTEND SUPPLEMENTAL
BRIEFING AND UPDATED FINANCIAL INFORMATION DEADLINES

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Complainant, the Department of Homeland Security, Immigration and Customs Enforcement, file a Complaint against Respondent, El Camino, LLC on October 9, 2019, alleging two counts of violations of the Immigration and Nationality Act (INA) § 274A(a)(1)(B).

On March 15, 2023, the Court issued an order granting in part and denying in part Complainant’s Motion for Summary Decision. *See United States v. El Camino, LLC*, 18 OCAHO no. 1479 (2023).¹ The Court ordered the parties to file a joint submission regarding attempts to resolve

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 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

the remaining violations and any supplemental briefing related to the violations and updated financial information relating to penalties by May 14, 2023, with replies due thirty days after submission of the briefs and updated financial information. *Id.* at 15.

On May 15, 2023, Complainant filed a first Motion to Extend Supplemental Briefing and Updated Financial Information Deadlines. The Court granted that extension on May 17, 2023, directing that supplemental filings were due by June 16, 2023, and responses were due 30 days after submission of the supplemental filings. *See United States v. El Camino, LLC*, 18 OCAHO no. 1479a (2023).

On June 20, 2023, Complainant filed a second Motion to Extend Supplemental Briefing and Updated Financial Information Deadlines. The Court granted that extension on June 27, 2023, directing that supplemental filings were due by July 27, 2023 and responses were due 30 days after submission of the supplemental filings. *See United States v. El Camino, LLC*, 18 OCAHO no. 1479b (2023).

On July 28, 2023, Complainant filed a third Motion to Extend Supplemental Briefing and Updated Financial Information Deadlines. Complainant requests, with Respondent's concurrence, an additional 30-day extension of the Supplemental Briefing deadlines. Third Mot. Extension 1–2. Complainant writes that the parties “have come to a settlement agreement, which is current[tly] pending signatures to be finalized.” *Id.* at 1. Complainant writes that it has conferred with Respondent's attorney about this request, and that opposing counsel did not oppose extending the supplemental filing deadline. *Id.* at 2 (attaching email correspondence between the parties to this effect).

“OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citations omitted). Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Id.* (citations omitted).

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 finds that Complainant has demonstrated good cause for an additional extension of the deadline for supplemental briefing and updated financial information, as the parties have reached a settlement agreement. Accordingly, the Court will GRANT the parties one more extension of time to file a joint submission regarding attempts to resolve the remaining violations, any supplemental briefing related to the violations, and updated financial information relating to penalties. Responses are due 30 days after submission of the briefs and updated financial information. Once the settlement agreement is signed, the parties shall timely seek dismissal of this case pursuant to 8 C.F.R. § 68.14(a)(2). The parties should submit these supplemental filings within 30 days of this order. The Court will not grant any further extension requests for this purpose.

SO ORDERED.

Dated and entered on August 1, 2023.

Honorable Jean C. King
Chief Administrative Law Judge