

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

August 21, 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 GRANTING RESPONDENT’S MOTION FOR LEAVE TO AMEND ANSWER

I. INTRODUCTION

On August 8, 2023, Respondent, Eco Brite Linens LLC d/b/a Ecobrite Linen, filed a Motion for Leave to File Instantly Its Amended Answer.¹ Respondent seeks leave of the Court, pursuant to Federal Rule of Civil Procedure 15(a)(1)–(2), to add the affirmative defenses of good faith and statute of limitations to its Answer. R’s Mot. 1–3. Respondent argues that granting leave would promote judicial efficiency and not cause undue prejudice to Complainant. *Id.* at 3. Complainant did not oppose Respondent’s motion. 28 C.F.R. § 68.11(b).²

II. LAW & DISCUSSION

¹ The Court’s August 14, 2023 Order Referring Case to Settlement Officer Program details the procedural history of this case.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

28 C.F.R. § 68.9(e) permits a respondent to amend its answer before the final order “[i]f a determination of a controversy on the merits will be facilitated thereby” and “upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties[.]” The Court must “balance[e] those interests in determining whether to allow the proposed amendment.” *United States v. KLJ Leasing, LLC*, 16 OCAHO no. 1446, 2 (2022) (citations omitted).³

OCAHO’s rule is “analogous to and is modeled upon Rule 15 of the Federal Rules of Civil Procedure.”⁴ *United States v. Sal’s Lounge*, 15 OCAHO no. 1394, 2 (2021) (citation omitted); *see* 28 C.F.R. § 68.1.⁵ “Although [Rule 15(a)] reflects a liberal attitude towards the amendment of pleadings,” courts may deny an amendment “if the moving party has unduly delayed in the filing the motion, if the opposing party, would suffer undue prejudice, or if the pleading is futile.” *Campania Mgmt. Co. v. Rooks*, 290 F.3d 843, 848–49 (7th Cir. 2002) (citations omitted).⁶

³ 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>.

⁴ “A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1).

“In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).

⁵ “The Federal Rules of Civil Procedure may be used as a general guideline any situation not provided for or controlled by [OCAHO’s] rules, by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation.”

⁶ Illinois is the location where the violations are alleged to have occurred, and Respondent transacts business in the state. *See* 28 C.F.R. § 68.56.

The Court accepted Respondent's answer on June 7, 2023. Respondent sought leave of the Court to amend its answer on August 8, 2023. Therefore, the Court will analyze Respondent's motion under Federal Rule 15(a)(2).

The Court considered the timing of Respondent's motion (i.e., it was filed 1 month before the dispositive motions deadline, and only 2 months after its original Answer). This timing does not suggest an undue delay by Respondent. The Court also considered potential undue prejudice to Complainant and found there appears to be none. Complainant declined to identify any prejudice by way of a response. The record as presently developed also does not suggest futility.

Accordingly, the Court GRANTS Respondent's Motion. Respondent shall file its Amended Answer by **August 31, 2023**.

SO ORDERED.

Dated and entered on August 21, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge