

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00081
)	
RON’S TEMPORARY HELP SERVICES, INC.,)	
D/B/A RON’S STAFFING SERVICES,)	
Respondent.)	
)	

Appearances: Matthew Brunkhorst, Esq., and Jill Bhalakia, Esq., for Complainant
Eileen Momblanco, Esq., for Respondent

ORDER ISSUING STAY OF PROCEEDINGS AND SETTING STATUS CONFERENCE

This case arises under the employer sanction provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On August 11, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Ron’s Temporary Help Services, Inc., d/b/a Ron’s Staffing Services. Complainant alleges that Respondent failed to ensure proper completion of Forms I-9, or, in the alternative, failed to prepare Forms I-9, in violation of § 1324a(a)(1)(B).

Respondent has not filed an answer in this matter. On September 12, 2023, the parties submitted a Joint Motion to Stay Proceedings.¹ The parties seek an extension of the deadline for the Respondent to file its Answer so that the parties may engage in settlement discussions. Joint Mot. 1–2.² The parties also state that they will inform the Court if they desire a referral to OCAHO’s Settlement Officer Program.³ Id.

¹ The Court rejected a facsimile filing by the parties on August 31, 2023, as the filing did not comply with OCAHO’s rules on certification of service. *See* 28 C.F.R. § 68.6(c) (listing the permissible methods for concurrent transmission of the facsimile to the opposing party).

² In paragraph 4 of the joint motion, the parties state that they “jointly request up to and including November 30, 2023 [...] to discuss settlement before the Respondent must file the Answer.” Id. at 1. In paragraph 5 of the joint motion, the parties assert that the “Complainant does not oppose extending the deadline for the Respondent to file an Answer to the Complaint up to and including December 30, 2023.” Id. at 2. In order to provide the parties with a full opportunity to resolve this matter, and in light of the significant amount of claims at issue, the Court will extend the deadline to the latter date—January 2, 2024 (December 30, 2023 is a Saturday).

³ *See* OCAHO Settlement Officer Program, OOD PM 20-16 (Aug. 3, 2020).

OCAHO's rules⁴ vest the administrative law judge (ALJ) with all appropriate powers necessary to regulate the proceeding, including the issuance of a stay. *See Hsieh v. PMC – Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003) (citing 28 C.F.R. § 68.28).⁵ The issuance of a stay “calls for the exercise of judgment, which must weigh competing interests and maintains an even balance and should not be granted absent a clear bar to moving ahead.” *United States v. Black Belt Sec. & Investigations, LLC*, 17 OCAHO no. 1456c, 2 (2023) (citations omitted) (quotation cleaned up); *see Cont’l Ins. Co. v. N. Ind. Pub. Serv. Com.*, No. 2:05-CV-156, 2011 WL 1322530, at *2 (N.D. Ind. Apr. 5, 2011) (citations omitted)⁶ (“The decision to grant a stay is committed to the sound discretion of the court and must be exercised consistent with principles of fairness and judicial economy”); *see also Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citing, *inter alia*, Fed. R. Civ. P. 6(b)(1)) (the standard routinely applied for granting an extension of time is good cause).

The Court finds a stay appropriate under the circumstances. Fairness and judicial economy militate toward granting the requested stay. This case involves more than 2,000 alleged I-9 violations, with a total proposed fine of \$5.7 million. *See generally* Compl. Given the scope of the case, the parties’ avowed interest in exploring settlement, and “OCAHO policy favoring settlement of civil cases over litigation,” *United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 9 (2023) (CAHO Order), the Court finds that there is sufficient good cause to support a temporary stay of proceedings. *See United States v. Black Belt Sec. & Investigations, LLC*, 17 OCAHO no. 1456, 2 (2022) (finding that facilitating ongoing settlement negotiations could constitute good cause); *see also Chen v. Genesco, Inc.*, No. 1:18-cv-00690-SEB-TAB, 2018 WL 11449301, at *1 (S.D. Ind. June 11, 2018) (recognizing that a stay may be appropriate when it expedites resolution of a case, significantly increases the likelihood of settlement, or otherwise advances judicial economy).

Accordingly, the Court hereby STAYS proceedings in this matter through January 2, 2024. Respondent’s answer shall be due no later than January 2, 2024.

On or before January 2, 2024, the parties shall file a joint status report that addresses the current status of settlement negotiations and any clear bars to moving forward with the case.

⁴ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

⁵ 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>.

⁶ As this case arises in Illinois, the Court may consult caselaw from the United States Court of Appeals for the Seventh Circuit as permissive guidance. *See* 28 C.F.R. § 68.56.

The Court will hold a status conference on **Monday, January 8, 2024 at 10:00 a.m. Eastern time**, to develop the case schedule. The Court will contact the parties separately with the call-in information for the status conference.

SO ORDERED.

Dated and entered on September 20, 2023.

Honorable John A. Henderson
Administrative Law Judge