

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

May 5, 2022

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022B00020
)	
RANNI'S CORPORATION,)	
Respondent.)	
_____)	

ORDER SETTING CASE SCHEDULE AND REQUIRING
RESPONDENT'S REGISTERED AGENT FILE A NOTICE OF APPEARANCE

I. PROCEDURAL HISTORY

On January 25, 2022, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging Respondent, Ranni's Corporation, discriminated against him based on his citizenship status and national origin, and retaliated against him in violation of 8 U.S.C. § 1324b.

On April 25, 2022, Respondent's registered agent filed a letter with a reply line entitled "Response to Notice of Case Assignment for complaint alleging Unlawful Employment. OCAHO case no. 2022B00020."

II. RESPONDENT'S ANSWER

On January 25, 2022, this office sent Respondent a Notice of Case Assignment and a copy of the Complaint, via certified U.S. mail. The Notice of Case Assignment directed Respondent to file an answer within thirty (30) days of receipt of the Complaint, that failure to answer could lead to default, and that proceedings would be governed by Department of Justice regulations. The U.S. Postal Service delivered the documents on February 8, 2022. 28 C.F.R. § 68.3(a). Respondent's answer was due by March 10, 2022. *See* 28 C.F.R. § 68.9(a).

Respondent's answer was untimely filed; however the Court has discretion to accept late-filed answers. *See United States v. Sal's Lounge*, 15 OCAHO no. 1394c, 8 (2022).¹ Here, the Court elects to accept this otherwise untimely filed answer because the Respondent had engaged in prior attempts to file and answer (the Court rejected a previous noncompliant filing) and because the parties location in the Northern Mariana Islands make it more challenging to get mail to the mainland United States in an expeditious manner. For these reasons, the Court exercises its discretion and ACCEPTS Respondent's answer. Respondent is on notice that future filings must be submitted far enough in advance to ensure timely delivery to OCAHO.

III. RESPONDENT'S NOTICE OF APPEARANCE

Respondent is a corporation and its registered agent filed the answer; therefore consistent with the regulations, the registered agent must file a notice of appearance in order to represent the Respondent. *See* 28 C.F.R. § 68.33(c)(3)(iv). The notice must comply with 28 C.F.R. § 68.33(f).²

Respondent's registered agent shall file the notice of appearance by **June 3, 2022**.

IV. RULES GOVERNING PROCEEDINGS AND OCAHO PRACTICE MANUAL

Proceedings in this case will be governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings, located at 28 C.F.R. § 68. The parties must familiarize themselves with these rules, including the standards of conduct under § 68.35. All filings in this matter

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 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>.

² The notice of appearance "shall indicate the name of the case or controversy, the case number if assigned, and the party on whose behalf the appearance is made[;]" shall be signed by the corporate secretary; and "shall indicate the name of the case or controversy, the case number if assigned, and the party on whose behalf the appearance is made." § 68.33(f).

should be accompanied by a certification indicating service to all parties of record and identifying the date and manner of service. 28 C.F.R. § 68.6(a).

OCAHO's Practice Manual is contained within the Executive Office for Immigration Review's (EOIR) Policy Manual on the United States Department of Justice's website.³ The Court directs the parties' attention to two chapters within the manual.

Chapter 3.7 of the Practice Manual describes OCAHO's Electronic Filing Pilot Program through which the parties can electronically file all filings in this case and accept electronic service of case-related documents from OCAHO and the opposing party.⁴ The Court invites the parties to register for this program by completing participant registration and certification forms, available on the United States Department of Justice website,⁵ and returning them to OCAHO.⁶

Both parties must elect to become e-filers or the parties will continue to file case documents by the means set forth in 28 C.F.R. part 68 for the duration of the case.

Chapter 4.7 of the Practice Manual describes OCAHO's Settlement Officer Program, a voluntary program through which the parties use a settlement officer to mediate settlement negotiations as a means of alternative dispute resolution.⁷ The presiding Administrative Law Judge (ALJ) may refer a case to a settlement officer upon receipt of written confirmation of consent to referral from each party and a determination by the ALJ that the case is appropriate for referral.

The parties may request that the Court refer the case to a settlement officer at any time while proceedings are pending, up to thirty days before the date scheduled for a hearing in the matter.

³ <https://www.justice.gov/eoir/eoir-policy-manual/part-iv-ocaho-practice-manual>

⁴ <https://www.justice.gov/eoir/eoir-policy-manual/IV/3/7>; see also EOIR's Electronic Filing page on the United States Department of Justice website at <https://www.justice.gov/eoir/electronic-filing>

⁵ <https://www.justice.gov/sites/default/files/pages/attachments//2015/11/30/registration-form-and-certification.pdf>

⁶ The Court is in receipt of Complainant's registration and certification form; however, the case will *not* be approved for e-filing until it receives Respondent's form. As a reminder, the parties are *not* to e-file until the Court issues an order approving this case for e-filing.

⁷ <https://www.justice.gov/eoir/eoir-policy-manual/iv/4/7>; see also EOIR Policy Memorandum 20-16 describing the policies and procedures for the use of settlement officers in OCAHO cases (<https://www.justice.gov/eoir/page/file/1300746/download>).

V. SCHEDULING ORDER

Discovery requests must be served at least 30 days before, responses to discovery must be served by, and any motions to compel or other discovery motions must be filed by **July 29, 2022**.

Dispositive Motions due: **August 29, 2022**

Responses to dispositive motions are due thirty days after service of the motion.

Tentative Hearing Date: **January 2023**

If parties request an extension for a particular filing, such a request must be made via a written motion with good cause for such a request articulated in the written motion.

VI. FORMAT OF MOTIONS

“[A]ny application for an order or any other request shall be made by motion which shall be made in writing[.]” 28 C.F.R. 68.11(a). Moreover, 28 C.F.R. § 68.6(a) dictates that all motions must contain a certification indicating service, manner of service, and date of service to all parties of record. All motions shall be paginated, including accompanying exhibits.

All non-dispositive motions shall be limited to twenty-five pages, exclusive of tables of contents, table of authorities, and exhibits. All oppositions shall be also so limited.

All dispositive motions and opposition briefs shall be limited to a maximum of fifty pages. All oppositions shall be also so limited. This limitation is exclusive of the cover page, index, table of cases relied upon, and exhibits.

Parties must file for leave of the Court and demonstrate good cause to deviate from such limits.

SO ORDERED.

Dated and entered on May 5, 2022.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge