

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

STEVEN BROWN, BERNARDO GARCIA,	)	
JOAQUIN HERNANDEZ, NICOLAS MARTINEZ)	)	
AND MARSHALL PITTMAN	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2020B00077
PILGRIM’S PRIDE CORPORATION,	)	
Respondent.	)	
	)	

---

Appearances: William J. Smith, Esq., and Louise N. Smith, Esq., for Complainants  
Sylvia Bokyung St. Clair, Esq., and Nina Kaczrowski, Esq., for Respondent

ORDER GRANTING LEAVE TO FILE REPLY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. On May 2, 2022, Complainants filed a Motion for Leave to File a Reply in Support of [their] Motion to Alter, Amend, and/or Reconsider Order Granting Respondent’s Motion for Summary Decision. Complainants attached their proposed reply to their motion. Complainants assert that Respondent raised several new arguments in its response to Complainants’ motion to reconsider that has necessitated their reply. Further, Complainants note that the Court has previously granted Respondent leave to file reply briefs on two separate occasions.

On May 12, 2022, Respondent filed an Opposition to Complainants’ Motion for Leave to File Reply Brief. Respondent asserts that Complainants’ request for a reply is “simply an attempt to have the last word in a briefing tennis match.” Opp’n at 1. According to Respondent, “[e]ach issue not only could have been raised in their Motion to Alter, Amend, and/or Reconsider . . . the Court’s order granting [the Motion for Partial Summary Decision] but actually was raised by Complainants – entitling [Respondent] to respond in its opposition.” *Id.* Respondent further notes that the Federal Rules of Evidence and the local rules of most federal district courts do not authorize the filing of surreplies. *Id.* at 2.

OCAHO’s Administrative Law Judges may permit replies to responses pursuant to 28 C.F.R. § 68.11(b). In this circumstance, where Complainants have properly sought leave to file a reply, where the moving party has established good cause, and where the Court has previously

applied leniency towards motions for leave to file replies in favor of the opposing party, the Court will permit Complainants' reply to enter the record. The Court therefore GRANTS Complainants' Motion for Leave to File a Reply in Support of [their] Motion to Alter, Amend, and/or Reconsider Order Granting Respondent's Motion for Summary Decision.

SO ORDERED

Dated and entered on July 29, 2022.

---

Honorable John A. Henderson  
Administrative Law Judge