

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
) Case No. 92A00268
ROSARIO STRANO D/B/A)
STRANO FARMS,)
Respondent.)
_____)

ORDER
(March 4, 1993)

At an early date after service of the Complaint, Respondent's counsel telephonically asked to file a pleading by facsimile on an urgent basis. That request was granted. Since that date, I have been deluged by facsimile filings.

Respondent is advised that no facsimiles will be received after this date, except upon express prior approval. Respondent is furthermore advised that all pleadings in this case should be effected by mail or other express delivery service, in triplicate. Respondent is directed to provide not later than March 10, 1993, a chronological list of all pleadings filed by it.

This Order disposes also of Respondent's motion for a more definite statement. The motion is denied. The listing in the complaint of the individuals as to whom I-9s were allegedly not forthcoming or were deficient is a sufficient starting point for this litigation. The question is not whether Complainant might have better identified the alleged employees but whether simply listing them as having been employed after November 6, 1986 is legally sufficient. I hold that it is. See U.S. v. Mester Mfg. Co., 1 OCAHO 18 (6/17/88), aff'd Mester Mfg. Co. v. I.N.S., 879 F.2d 561 (9th Cir. 1989). Respondent's reliance on contract cases and others in its supporting memorandum is misplaced. In this proceeding, Complainant does not have superior knowledge of Respondent's employment practices and files. To the extent Respon-

3 OCAHO 492

dent lacks data from its own records, Respondent might reasonably demand that data in discovery.

I encourage the parties to make a reasonable effort to accommodate each other's needs in preparation for trial. At an early date, my office will arrange a telephonic prehearing conference. Title 28 C.R.F. §68.13 provides guidance in preparation for such conference.

SO ORDERED.

Dated and entered this 4th day of March, 1993.

MARVIN H. MORSE
Administrative Law Judge