

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00042
	)	
CATERPILLAR INC.,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Leon Rodriguez, Esq. and Edward North, Esq., for Respondent

ORDER ISSUING STAY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. §1324b. Complainant, US Tech Workers et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, against Respondent, Caterpillar Inc.<sup>1</sup> Complainant alleges that Respondent engaged in discrimination on the basis of citizenship status in hiring, in violation of 8 U.S.C. § 1324b(a)(1).

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File Consolidated Amended Complaint (Consolidation Motion), seeking leave to consolidate this matter with 41 other related cases pending before this Court. Respondent filed an Opposition to the Consolidation Motion on June 4, 2024.

Pursuant to OCAHO’s Rules of Practice and Procedure for Administrative Hearing, “[t]he Administrative Law Judge to whom the case is assigned shall notify the parties of a date, time, and place . . . for a prehearing conference . . . within thirty (30) days of receipt of respondent’s answer to the complaint.” 28 C.F.R. § 68.5(a).<sup>2</sup> During the prehearing conference, the Court may discuss a schedule for the case. *Id.* § 68.13(a)(2)(viii).

<sup>1</sup> The Complaint names the Respondent as “Caterpillar,” but in its Answer, Respondent asserts that the correct name is “Caterpillar Inc.” The Court has amended the case caption accordingly.

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

The Court finds it would be prudent to issue a stay of proceedings pending resolution of Complainant’s Consolidation Motion, in lieu of scheduling an initial prehearing conference to set a case schedule. “The OCAHO Rules vest the Administrative Law Judge (ALJ) with all appropriate powers necessary to regulate the proceedings.” Heath v. Amazee Glob. Ventures, Inc., 16 OCAHO no. 1433, 2 (2022) (citing Hsieh v. PMC-Sierra, Inc., 9 OCAHO no. 1091, 5 (2003)); 28 C.F.R. § 68.28(a). This includes the power to issue stays of proceedings. United States v. Black Belt Sec. & Investigations, 17 OCAHO no. 1456b, 2 (2023) (citing Hsieh, 9 OCAHO no. 1091, at 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.” See Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and then quoting Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998)).

The Court finds that it would serve judicial economy and efficiency to issue a stay of proceeding pending adjudication of the Consolidation Motion, as the motion poses a clear bar to the Court’s ability to set an appropriate case schedule in this matter at a prehearing conference. See, e.g., US Tech Workers v. Fifth Third Bank, 19 OCAHO no. 1550, 3 (2024) (finding stay of proceedings would be in interest of judicial economy given pendency of motion to dismiss).

Therefore, proceedings are STAYED pending adjudication of Complainant’s Consolidation Motion.

SO ORDERED.

Dated and entered June 25, 2024.

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John A. Henderson  
Administrative Law Judge