

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

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00082
)	
WATER SAVER FAUCET,)	
Respondent.)	
)	

Appearances: John M. Miano, Esq., for Complainant
Bruce E. Buchanan, Esq., and Christopher Johlle, Esq., for Respondent

ORDER ISSUING STAY OF PROCEEDINGS
AND CANCELING PREHEARING CONFERENCE

This case arises under the unfair immigration-related employment practices provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant, US Tech Workers, et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Water Saver Faucet, on March 19, 2024. Respondent filed an Answer to the Complaint on May 3, 2024.

The Court issued an Order Setting Prehearing Conference and General Litigation Order on May 9, 2024, setting an initial telephonic prehearing conference for July 1, 2024, to discuss a case schedule in this matter. Thereafter, on May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint, to which Respondent filed an opposition on May 29, 2024.

Given the pending Motion to Consolidate, the Court finds that it would serve judicial economy and efficiency to issue a stay of proceedings. “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)¹ (citing

¹ Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, where the decision has not yet been 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

Hsieh v. PMC-Sierra, Inc., 9 OCAHO no. 1091, 5 (2003)); 28 C.F.R. § 68.28(a).² 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)). Here, the Court finds that it would be prudent to cancel the previously-scheduled initial prehearing conference, as the pendency of the Motion to Consolidate presents a bar to the Court’s ability to set an appropriate case schedule in this matter.

It is ORDERED that proceedings are STAYED pending adjudication of Complainant’s Motion to Consolidate, and it is further ORDERED that the prehearing conference previously scheduled for July 1, 2024 is CANCELED.

SO ORDERED.

Dated and entered June 25, 2024

John A. Henderson
Administrative Law Judge

from the citation. Published decisions may be accessed through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

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