

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

June 30, 1994

UNITED STATES OF AMERICA, )  
Complainant, )  
 )  
v. ) 8 U.S.C. 1324a Proceeding  
 ) OCAHO Case No. 94A00091  
MIDTOWN FASHION INC., )  
Respondent. )  
\_\_\_\_\_ )

ORDER DENYING MOTION TO WITHDRAW

On May 26, 1994, respondent firm's counsel of record, Casimir F. Sojka, Esquire, filed a pleading captioned Motion for Request of Withdrawal of Representative Due to Missing Client.

As grounds therefor, Mr. Sojka advised that despite his repeated efforts, he has been unable to contact his client.

By way of background, on October 22, 1993, Mr. Sojka filed a written request for hearing on behalf of one Shirley You, "doing business under the name of Midtown Fashion, Inc."

On May 5, 1994, the four-count Complaint at issue was filed. In that initiating pleading, some 30 IRCA violations were alleged, for which civil money penalties totaling \$16,210 were sought, or the sums of \$1,210, \$3,000, \$7,000, and \$5,000 for the violations alleged in Counts I, II, III, and IV, respectively.

On May 24, 1994, respondent's counsel filed a letter with this office, in which he stated that he was unable to locate his client and had been advised that the respondent firm was out of business.

On May 26, 1994, as noted earlier, the motion under consideration was filed.

In prior proceedings involving generally similar factual settings, the administrative law judges in this office have denied motions/requests of counsel to withdraw where, as here, the party's counsel of record is the only person authorized to receive documents on a respondent's behalf, and where said counsel's law office is the only address for delivery of such documents. See U.S. v. Primera Enters., OCAHO Case No. 93A00024 (Order Denying Respondent's Counsel's Motion to Withdraw), at 2 (5/17/94); U.S. v. K & M Fashions, Inc., 3 OCAHO 411 (3/16/92); U.S. v. Nu Look Cleaners of Pembroke Pines, Inc., 1 OCAHO 284 (1/4/91).

Accordingly, respondent's counsel's Motion to Withdraw is denied. All further correspondence directed to the respondent firm will continue to be served upon respondent's counsel of record, as respondent's agent for that purpose.

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JOSEPH E. MCGUIRE  
Administrative Law Judge