

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

LINDA S. WALKER,	)	
SUSAN SUTHERLAND,	)	
JURIAN VREEBURG,	)	
HANNELORE HAINKE,	)	
HELENA FARQUHARSON,	)	
CAROLYN HARMAR,	)	
and CAROL VIEUX	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. §1324b Proceeding
	)	CASE NO. 93B00004
UNITED AIR LINES, INC.,	)	
Respondent.	)	
_____	)	

ORDER

By Order of June 23, 1994, I ordered Complainants to "file with this office by Monday July 11, 1994" a brief regarding the issue of unequivocal notice by Joan Lardy of her rejection by United Air Lines, Inc. On Monday, July 11, 1994, Christopher G. Mackaronis telephoned my Attorney Advisor, Ms. Garner, and advised her that he had taken over responsibility for the Complainants' brief from Susan King. Ms. King was under the mistaken impression that Complainants' brief was due to be mailed on July 11, 1994 and Mr. Mackaronis did not discover the due date until the morning of July 11, 1994, at which time he called Ms. Garner and requested a one-day extension of time. She subsequently informed him that I would grant that extension and that he should file a written motion. On July 12, 1994, Mr. Mackaronis filed such a motion. As Complainants' motion is due to excusable neglect, that motion for a one-day extension is GRANTED.

On July 14, 1994, Respondent filed a request for permission to file a memorandum in response to Complainants' Supplemental Memorandum Regarding the Receipt of Unequivocal Notice of Non-Selection by United ("Resp.'s Request"). Respondent would like to address the following issues:

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(1) Complainants' attempt to invoke collateral estoppel; (2) Complainants' argument that the fact that this Agency ruled for Complainants on the Lardy timeliness issue in the context of a motion to dismiss forecloses United and this Agency from revisiting that issue as further evidence develops; (3) Complainants' attempt to introduce an affidavit from Lardy which is contradictory to her own earlier sworn testimony; and (4) Complainants' arguments that United's evidence fails to demonstrate that Lardy received unequivocal notice of her non-selection by United well before receiving her rejection letter.

#### Resp.'s Request at 1-2.

On July 15, 1994, Complainants filed an opposition to United's request to file a reply memorandum ("Compls.' Opp."), arguing that "[e]nough is enough." Compls.' Opp. at 1. I agree with Complainants, but only regarding the fourth issue. Therefore, Respondent's request is GRANTED regarding the first three issues and DENIED regarding the fourth.

Accordingly, Respondent shall file with this office by July 22, 1994 a reply memorandum not to exceed ten pages addressing the first three issues set forth in its request.

**SO ORDERED** this 15th day of July, 1994.

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ROBERT B. SCHNEIDER  
Administrative Law Judge