

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

November 17, 2023

ARTIT WANGPERAWONG,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00007
)	
META PLATFORMS, INC.,)	
Respondent.)	
_____)	

Appearances: Artit Wangperawong, pro se Complainant
Eliza A. Kaiser, Esq., Matthew S. Dunn, Esq., and Amelia B. Munger, Esq., for Respondent

ORDER ON RESPONDENT’S MOTION FOR EXTENSION OF TIME TO ANSWER COMPLAINT

This matter arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324b. Complainant, Artit Wangperawong, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Meta Platforms, Inc., on October 3, 2023.

On October 16, 2023, the Chief Administrative Hearing Officer sent the parties a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the Complaint. An answer is due within thirty (30) days after service of the complaint. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).¹ The NOCA and Complaint were delivered on Respondent’s business address on October 23, 2023, making an answer due by November 22, 2023.

On November 6, 2023, Respondent filed a Motion Requesting Extension of Time to Answer and Respond to Complaint. Respondent requests a twenty-eight-day extension of time to file an answer and otherwise respond to the Complaint (i.e. a revised deadline of December 20, 2023). Mot. Requesting Extension 1–2. As its good cause to request an extension, Respondent provides two reasons. *Id.* Respondent “anticipates it may file a motion in addition to its answer and the

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

requested extension will permit the Respondent reasonable time to research and assess the merits of such a motion.” *Id.* Additionally, Respondent’s counsel notes the firm was recently retained. *Id.*

On November 7, 2023, Complainant filed an opposition to Respondent’s Motion. Complainant argues Respondent has not shown good cause for a twenty-eight-day extension. C’s Opp’n 1. Complainant asserts Respondent failed to provide sufficient explanation of the “specific activities the requested additional time would be used for, or how 58 total days was calculated.” *Id.* Complainant further asserts the delay would cause hardship as it would delay the commencement of discovery, noting the alleged violation of the law occurred almost a year prior. *Id.* Complainant requests that the Court deny the Motion, or substantially shorten the requested extension. *Id.*

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States v. Space Exploration Techs. Corp.*, 18 OCAHO no. 1499, 5 (2023) (collecting cases and citing, *inter alia*, Fed. R. Civ. P. 6(b)(1) (“When an act may be or must be done within a specified time, the court may, for good cause, extend the time”)).²

Respondent has two reasons for requesting an extension. The first, seeking additional time to “research and assess the merits” of an otherwise undescribed potential motion, is not good cause. The Court is confident in Respondent’s counsel’s ability to conduct legal research expeditiously and make litigation decisions timely and within the construct of concurrent regulatory deadlines.

As to the second cited reason, recent retention of counsel, the Court has held that such a rationale can constitute good cause for additional time to provide an answer. *See generally Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490 (2023). However, as Complainant notes in his opposition,³ Respondent has not articulated why this Complaint requires additional time for a response, or how specifically Respondent would use the requested time. *See, e.g., United States v. Facebook, Inc.*, 14 OCAHO no. 1386, 3 (2021) (cautioning parties to provide “detailed rationale demonstrating good cause” for extension requests).⁴

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, *seriatim*, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, 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 from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

³ *Cf. Space Exploration Techs. Corp.*, 18 OCAHO no. 1499, at 7 (granting request for extension of answer deadline where the motion was unopposed and the complainant did not allege prejudice arising from the extension) (citing *Lowden*, 18 OCAHO no. 1490, at 2).

⁴ The Complaint involves allegations of discrimination and retaliation raised by one individual, and the parties presumably participated in some capacity (or had awareness of) the related Civil

The Court is mindful of Complainant's valid concerns about discovery. To that end, the Court is confident in Respondent's counsel's awareness of its duty to preserve evidence once it anticipates litigation. Further, parties can anticipate a prehearing conference to be set for the week of January 1, 2024 in which the Court will discuss the commencement of discovery with the parties.

Because recent retention of counsel can be good cause for an extension to file an answer, but because this particular motion lacked specificity and failed to provide a detailed rationale, the Court shall grant the Respondent a shorter extension. The Court also notes the Complainant was amenable to a shorter extension.

The Respondent shall file its Answer on or before December 15, 2023.

SO ORDERED.

Dated and entered on November 17, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

Rights Division's Immigrant and Employee Rights Section investigation. Respondent does not articulate why this particular complaint requires additional response time (for example, due to the size, complexity, or novelty of the allegations). *Cf., e.g., United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475, 2 (2023) (finding good cause for an extension of time to file oppositions to motions to dismiss across twenty pending related cases).