

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

May 29, 2024

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 JOINT DISCOVERY PLAN

This case 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. On October 3, 2023, Complainant, Artit Wangperawong, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Meta Platforms, Inc., alleging discrimination and retaliation, in violation of 8 U.S.C. §§ 1324b(a)(1) and (a)(5).

On May 7, 2024, the Court issued an Order Granting Respondent Motion for Protective Order, Denying All Motions to Compel, & Revising Discovery Schedule (Discovery Order). *Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510f (2024).¹ This Order required, among other things, the submission of a Joint Discovery Plan. *Id.* at 6.

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 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>.

On May 21, 2024, the parties timely filed a Joint Discovery Plan, in which one party moved the Court for an extension and clarification. Both are addressed in this Order. Respondent requests a case schedule modification (proposed date for the end of fact discovery; extended filing date for oppositions to motions to compel; and changing the filing date for motions for summary decision and replies). Joint Discovery Plan 5–6. Complainant opposes any modification to the discovery schedule. *Id.* at 5. Respondent’s requests are based concerns surrounding holidays and current scheduled commitments. *Id.* at 5–6. Both seek clarification on motions proposing constraints on discovery. *Id.*

The Court will apply a “good cause” standard balanced alongside efficient case management. *See Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450a, 3–4 (2022) (internal citations omitted). The Court will extend requested deadlines because the amount of time is short (by several days or weeks); it will render it less likely parties will request further extensions; and it will allow parties to submit thoroughly crafted motions and responses. *See, e.g., United States v. JR Contractors, Inc.*, 15 OCAHO no. 1406, 3 (2021). The Court will set the following revised case schedule:

May 31, 2024	Deadline to submit any motions proposing constraints on discovery
June 5, 2024	Initial Disclosures
June 19, 2024	Discovery Initiated
July 11, 2024	Tentative Discovery Conference with presiding ALJ
August 23, 2024	Motions to Compel Deadline (must be filed on or before this date)
September 9, 2024	Opposition to Motions to Compel Due
October 15, 2024	Discovery Closes
November 15, 2024	Summary Decision (or any other case dispositive motion) deadline
December 15, 2024	Opposition to Summary Decision motions due
January 15, 2025	Replies to Summary Decision due

The Court now addresses the other concerns regarding discovery raised by the parties.

First, parties may file for a protective order after the deadline for motions proposing constraints on discovery.

Second, the Court shall permit parties to file replies to motions for summary decision without seeking leave to do so. Replies must be filed within 30 days of receipt of a response or opposition. *See* 28 C.F.R. § 68.11(b)².

Third, if Respondent seeks to limit the number of depositions, or has other concerns related to depositions (referencing number of depositions or individuals to be deposed), it should file a motion proposing a constraint on discovery, articulating its position and rationale in writing, as this will allow opportunity for a written response and thus a fully developed record on this point.

SO ORDERED.

Dated and entered on May 29, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).