

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

US TECH WORKERS ET AL.,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00041
	)	
CALAMOS INVESTMENTS,	)	
Respondent.	)	
	)	

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Appearances: John M. Miano, Esq., for Complainant  
Eric S. Bord, Esq. Eric L. Mackie, Esq., and Hannah Fisher, Esq. for Respondent

ORDER GRANTING MOTION FOR EXTENSION OF TIME

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent, Calamos Investments, discriminated against it on the basis of citizenship status in violation of 8 U.S.C. 1324b(a)(1). Respondent filed its Answer on April 29, 2024; it filed its Motion to Dismiss on the same day.

On May 9, 2024, the Court issued an Order Scheduling Prehearing Conference and General Litigation Order. The Court set a date for an initial telephonic prehearing conference on July 3, 2024 at 2:00 pm Eastern Time, and ordered the parties to file initial prehearing statements with the Court by May 30, 2024. Gen. Lit. Order 1-2. The Court further ordered that oppositions to a motion must be filed within 14 calendar days after receiving the motion, and all replies shall be filed within seven days thereafter. Id. at 5.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. Complainant filed a response to Respondent’s Motion to Dismiss on May 14, 2024.

On May 24, 2024, Respondent filed its Motion for Extension of Time. Respondent requests that the Court extend pending deadlines in the case due to professional commitments, holiday travel, and a scheduled medical procedure. Mot. Extension 2. Respondent writes that it

contacted Complainant’s counsel on May 23, 2024, and Complainant’s counsel had no objection to the proposed extension of pending case deadlines. *Id.*

“OCAHO’s Rule 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.*, 18 OCAHO no. 1499, 5 (2023) (citing *United States v. Exim*, 3 OCAHO no. 591, 1925, 1929 (1993); and then citing *United States v. Four Star Knitting, Inc.*, 5 OCAHO no. 815, 711, 714 (1995)); *see also* *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464, 2 (2022) (citing *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).<sup>1</sup> “Good cause is demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance within the time specified in the rules.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021).

When considering whether a party has demonstrated good cause for an extension, the Court considers “whether the moving party acted in good faith, the length of the delay and its effects, and whether the delay will prejudice the non-moving party.” *Id.* at 3 (citations omitted). For example, the Court has previously found good cause for an extension of a reply deadline where the moving party “filed its motion in advance of the original deadline, and proffered that its request is due to preplanned travel and needing more time to respond to [a] voluminous filing.” *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475c, 2 (2023).

Here, the Court finds that Respondent has shown good cause for an extension of the pending deadlines in this case. This Court has previously found good cause to stay case deadlines in light of competing commitments and medical concerns. *See, e.g., Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423b, X (2022) (collecting cases). Additionally, the Court finds no prejudice to Complainant, given that Complainant has assented to the extensions, and the short extensions requested. *See, e.g., Space Exploration Techs.*, 18 OCAHO no. 1499, at 7 (finding that an extension of 30 days was “not so great as to impact substantially these proceeding,” and noting that it was the “first requested extension of time from either party and the request is agreed”).

Respondent’s Motion for Extension of Time is GRANTED, and the pending case deadlines are adjusted as follows:

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<sup>1</sup> 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 <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

- Deadline for Reply in Support of Motion to Dismiss: June 6, 2024
- Deadline for Prehearing Statements: June 13, 2024
- Deadline for Respondent's Response to Complainant's Motion to Consolidate: June 18, 2024
- Deadline for Reply in Support of Motion to Consolidate: July 2, 2024

SO ORDERED.

Dated and entered on June 13, 2024.

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John A. Henderson  
Administrative Law Judge