

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

July 3, 2024

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00075
)	
VIVID SEAT, A.K.A. VIVIDSEATS, LLC,)	
Respondent.)	
_____)	

Appearances: John Miano, JD, for Complainant
Dawn Lurie, Esq., Edward North, Esq., and Leon Rodriguez, Esq., for
Respondent

ORDER STAYING PROCEEDINGS

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On March 19, 2024, Complainant, US Tech Workers, et al. filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting a claim of citizenship discrimination arising under 8 U.S.C. § 1324b against Respondent, Vivid Seat. On May 17, 2024, this Court received Respondent’s Answer. On May 29, 2024, this Court issued a General Litigation Order and set a prehearing conference for Tuesday, July 2, 2024.

On July 1, 2024, this Court received Respondent’s Motion to Dismiss and Motion to Stay Proceedings. In the motion to stay proceedings, Respondent argues that a stay of proceedings would promote judicial economy and efficiency as the pending Motion to Dismiss seeks a full dismissal, and accordingly, proceedings should be stayed while the Court considers the motion.¹ Mot. Dismiss Mem. Pts & Auth. 6.

¹ In its Motion to Stay Proceedings, Respondent also asks “that this Court stay proceedings, including discovery, until such time as this Court gains the constitutional authority to issue final orders on dispositive motions.” Mot. Dismiss Mem. Pts & Auth. 7. I decline to grant the stay on this ground for the reasons cited in *U.S. Tech Workers v. TransUnion, LLC*, 20 OCAHO no. 1582, 2-3 (2024).

Per OCAHO rules, an Administrative Law Judge is permitted to exercise “all appropriate powers necessary to conduct fair and impartial hearings.” 28 C.F.R. § 68.28(a). This includes the authority to “regulate” and, thus, stay proceedings. *United States v. Black Belt Sec. & Investigations*, 17 OCAHO no. 1456b, 2 (2023) (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003)); *see also Heath v. ConsultAdd*, 15 OCAHO no. 1395b, 2 (2022) (basing the Court’s authority to issue a stay on its “inherent power to ‘control the disposition of the cases on its docket with economy of time and effort.’” (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936))).

In considering whether to grant a stay of proceedings, the Court must “weigh competing interests and maintain an even balance.” *Heath*, 15 OCAHO no. 1395b, at 2 (quoting *Landis*, 299 U.S. at 254). A stay is warranted if there is “good cause” and, more specifically, if there is a “clear bar to moving ahead.” *United States v. Fresco Produce*, 19 OCAHO 1530, 4 (2024) (quoting, in part, *Monda v. Staryhab, Inc.*, 8 OCAHO no. 1002, 86, 91 (1998)). In the past, the Court has found judicial economy, fairness, lack of prejudice, and potentially dispositive case developments to justify a stay of proceedings. *United States v. Ron’s Temp. Help Servs., Inc.*, 18 OCAHO no. 1496, 2 (2023) (judicial economy and fairness); *US Tech Workers v. Fifth Third Bank*, 19 OCAHO no. 1550, 3 (2024) (lack of prejudice); *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464c, 3 (2023) (stay of proceedings due to pending motion to dismiss).

Upon weighing these factors, the Court finds there is good cause to stay proceedings. A stay will serve the parties’ interests in preserving time and resources as the Court considers Respondent’s Motion to Dismiss and will serve judicial economy. There is also no allegation that such a stay would create fairness or prejudice concerns, and the Court does not foresee any such issues. Finally, the posture here mirrors that in *Talebinejad* and is comparable to other OCAHO cases where the Court has found a stay of proceedings pending adjudication of a motion to dismiss to be appropriate. *See, e.g., Zajradhara v. Hantang Ent. Corp.*, 19 OCAHO no. 1557, 2 (2024); *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438b, 3, 5 (2022). As such, Respondent’s May 13, 2024, Motion to Stay Further Proceedings is GRANTED. Proceedings, including discovery, are STAYED until the Court issues a decision on Respondent’s May 13, 2024, Motion to Dismiss with the exception that Complainant may file a response to the Motion to Dismiss. The prehearing conference scheduled for July 2, 2024, is CANCELED.

SO ORDERED.

Dated and entered on July 3, 2024.

Honorable Jean C. King
Chief Administrative Law Judge