

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

April 25, 2024

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| UNITED STATES OF AMERICA, |) | |
| Complainant, |) | |
| |) | |
| v. |) | 8 U.S.C. § 1324a Proceeding |
| |) | OCAHO Case No. 2023A00079 |
| |) | |
| DUNCAN FAMILY FARMS, INC., |) | |
| Respondent. |) | |
| _____ |) | |

Appearances: James Harmony, Esq., for Complainant
Julie A. Pace, Esq., Heidi Nunn-Gilman, Esq., for Respondent

ORDER GRANTING SECOND JOINT MOTION TO EXTEND DEADLINES

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, Duncan Family Farms, Inc., violated § 1324a(a)(1)(B). At a prehearing conference on October 24, 2023, the Court set a case schedule, including deadlines for close of discovery and dispositive motions. 28 C.F.R. § 68.13.

On January 23, 2024, the Court granted the parties’ Joint Motion to Reset Discovery and Dispositive Motion Deadlines. On April 22, 2024, the parties filed a Joint Motion to Reset Discovery and Dispositive Motion Deadlines (Second Request). The parties are “actively engaging in discovery,” and require additional time to complete discovery related to audit trails and a third party’s role in the case.

“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 . . .”).¹

The Court finds good cause for an extension of the case deadlines in this matter, considering the request was made jointly, the parties are proactively engaged in discovery on the issue outlined above. The revised deadlines are as follows:

June 21, 2024: Close of Discovery

August 19, 2024: Deadline for all Dispositive Motions

September 18, 2024: Deadline for Responses to any Dispositive Motions

Tentative Hearing: November 2024 in Phoenix, AZ

SO ORDERED.

Dated and entered on April 25, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹ 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>.