

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

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324A Proceeding
v.	)	
	)	OCAHO Case No. 2023A00058
PJS OF TEXAS, LLC,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Nain Martinez, Jr., Esq., for Complainant  
Kevin R. Lashus, Esq., for Respondent<sup>1</sup>

ORDER ON SERVICE, COMPLAINANT'S NOTICE OF APPEARANCE AND  
MOTION FOR SUBSTITUTION, ELECTRONIC FILING, PREHEARING  
STATEMENTS, AND SCHEDULING INITIAL PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

On May 9, 2023, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, PJ's of Texas, LLC.<sup>2</sup> The complaint alleges that Respondent violated the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a.

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<sup>1</sup> The filing of Respondent's request for a hearing with DHS constitutes an appearance by counsel. See 28 C.F.R. § 68.33(f).

<sup>2</sup> In its Answer, Respondent's counsel represents that, "PJ's OF TEXAS, INC. does NOT exist. The proper entity to this matter was formally PJS of Texas, Inc. which converted over to PJS of Austin, LLC on March 1, 2023. It is the proper party to the matter." Ans. ¶ 3. The parties have leave to file a motion to amend the case caption if needed.

Compl. ¶ 6. Complainant attached as exhibits to the complaint its Notice of Intent to Fine Pursuant to Section 274A of the Immigration and Nationality Act (NIF) and Respondent's request for a hearing. *Id.*, Exs. A-B.

On May 15, 2023, OCAHO's Chief Administrative Hearing Officer (CAHO) sent the parties by United States Postal Service (USPS) certified mail a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA) and copies of the complaint, the NIF, and Respondent's request for a hearing (together, the "Complaint package"). The CAHO mailed the Complaint package to the addresses for Respondent's president and Respondent's counsel provided by Complainant in the complaint. *See* Compl. Attach. 28 C.F.R. § 68.7. According to the USPS website tracking information, the Complaint package sent to Respondent's president in Austin, Texas, departed the USPS regional facility in Austin and was "in transit to next facility" on May 24, 2023. According to the USPS website, the Complaint package sent to Respondent's counsel's address in Austin, Texas, was "picked up at a postal facility . . . in Falls Church, VA" on June 5, 2023.

On June 16, 2023, Respondent's counsel emailed OCAHO. He represented in his email that his client was served on May 22, 2023, but that he had not received the copy of the Complaint package mailed to him. On June 21, 2023, Respondent, through counsel, filed a document entitled Special Appearance, Special Exceptions, and Answer (together, the "Answer"). In this filing, Respondent's counsel represented that, "[a]lthough referenced in the court's Notice of Case Assignment for Complaint, issued by the Honorable Court on May 15, 2023, undersigned has not formally been served the complaint or the notice of case assignment by certified mail as referenced in the service." Ans. ¶ 2.

In response to Respondent's counsel's representation in the Answer, OCAHO sent another copy of the Complaint package by USPS certified mail to counsel at the address he identified in the Answer. According to the USPS website, this second Complaint package was "delivered, left with individual" on July 1, 2023, in Austin, Texas. On July 11, 2023, OCAHO received a Domestic Return Receipt Form (PS Form 3811) ("return receipt") for the Complaint package dated July 1, 2023, with counsel's name printed on it. Rather than a signature, the return receipt contained a series of numbers and letters.

Given the lack of a signature on the return receipt, OCAHO staff called Respondent's counsel on July 13, 2023, and July 26, 2023. Respondent's counsel returned OCAHO's telephone calls on August 2, 2023. During this call, counsel represented that he did not receive the Complaint package, provided OCAHO with

an alternate address, and asked OCAHO to mail the Complaint package to the alternate address.<sup>3</sup>

On August 3, 2023, OCAHO mailed Respondent's counsel by USPS certified mail a third copy of the Complaint package. The USPS website indicated that this Complaint package was delivered and left with an individual at the address in Austin, Texas, on August 8, 2023. OCAHO later received a return receipt dated August 8, 2023, with counsel's name printed on it.

On August 11, 2023, the Court issued an order permitting the parties to file electronically all filings in this case.

On January 29, 2024, Complainant filed a Notice of Appearance and Motion for Substitution.<sup>4</sup> In its filing, Complainant represents that Assistant Chief Counsel (ACC) Kevin Terrill is no longer employed with ICE and moves the Court pursuant to 28 C.F.R. § 68.33(g) to substitute ACC Nain Martinez, Jr., in his place as counsel for Complainant. Notice Appearance & Mot. Substitution 1. Complainant also requests that the Court enroll ACC Martinez, Jr., as Complainant's counsel in OCAHO's Electronic Filing Pilot Program. *Id.* at 2. Complainant attached a completed and digitally signed registration form and certification for ACC Martinez, Jr. *Id.*, Ex. A.

## II. SERVICE OF THE COMPLAINT AND DUTY TO NOTIFY

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<sup>3</sup> The substance of this telephone call was disclosed to both parties by electronic mail.

<sup>4</sup> Complainant's filing was mistakenly delivered to the Executive Office for Immigration Review's Board of Immigration Appeals on January 16, 2024. Pleadings—which include motions, *see* 28 C.F.R. § 68.2—are not “deemed filed until received by the Office of the Chief Administrative Hearing Officer, the Chief Administrative Law Judge, or the Administrative Law Judge assigned to the case.” 28 C.F.R. § 68.8 (b). Therefore, the Court considers the date of filing to be January 29, 2024, being the date OCAHO received Complainant's notice and motion. The Court encourages the parties to specify in the address the relevant court, namely, “the Office of the Chief Administrative Hearing Officer,” should they need to mail anything to OCAHO.

The Court finds that OCAHO has effectuated service of the complaint. OCAHO mailed the Complaint package to the last known address for Respondent's counsel in accordance with 28 C.F.R. § 68.3(a)(3). The USPS website confirmed that the package was delivered and left with an individual at counsel's address. Counsel's name also was printed on the USPS return receipt dated August 8, 2023, for the Complaint package. *See id.* § 68.3(b) (“[s]ervice of [the] complaint . . . is complete upon receipt by addressee.”). Although the return receipt lacked the signature of Respondent's counsel, OCAHO confirmed the service address with counsel before mailing the Complaint package to him a third time and there have been no further communications from him indicating any issues with service.

Respondent's counsel also represented to OCAHO that his client was served with the Complaint package on May 22, 2023. Specifically, the Court mailed the Complaint package to Respondent's president at the business address for Respondent provided in the complaint. Compl. 21. Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024),<sup>5</sup> a complaint may be served “[b]y mailing to the last known address of [an] individual, partner, officer, or attorney or representative of record,” 28 C.F.R. § 68.3(a)(3), and, as explained above, service is complete upon receipt. *See id.* § 68.3(b). The Court presumes that Respondent's counsel received a copy of the Complaint package from his client because, on June 21, 2023, Respondent referenced in his Answer both the substance of the NOCA and its date of issuance, although he represented that he was not served with it or the complaint.<sup>6</sup> Ans. ¶ 2. Respondent's counsel then provided OCAHO with an address for service on August 2, 2023, that differed from both the address he provided OCAHO in the Answer on June 21, 2023, *see id.* at 2, and the address for Respondent's counsel provided by Complainant on February 28, 2023. *See* Compl. Attach. 28 C.F.R. § 68.7. OCAHO will maintain the address provided by Respondent's counsel on August 2, 2023, as his address of record. In his prehearing

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<sup>5</sup> OCAHO's Rules of Practice and Procedure for Administrative Hearings are available on OCAHO's homepage on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

<sup>6</sup> The Court notes that Respondent's counsel made the same representations about not having been served with a complaint and a NOCA in an answer he filed on April 28, 2023, in another OCAHO matter that is in a similar posture as this case.

statement, Respondent’s counsel shall confirm to the Court that he has provided this address to Complainant.

Should Respondent’s best address change, it is Respondent’s responsibility—as it is for all parties who appear before OCAHO—to timely notify OCAHO and Complainant of those changes by filing a notice with the Court and serving it on Complainant. *See Ferrero v. Databricks*, 18 OCAHO no. 1505, 2 (2023)<sup>7</sup> (“All representatives and parties are also required to maintain a current address with OCAHO and to timely file a notice of a change of address with the presiding ALJ . . . and must also serve such notice on the opposing party.” (citing *United States v. Cordin Co.*, 10 OCAHO no. 1162, 4 (2012))); *see also United States v. Panamerican Supply Co.*, 5 OCAHO no. 804, 654, 655 (1995) (“[I]t is the Respondent’s duty to keep both the Court and the opposing party informed as to its current mailing address and telephone number.”); *United States v. Ortiz*, 6 OCAHO no. 904, 919, 925 (1996) (“It is the party’s responsibility to inform the Court and opposing party of any change of address.”).

### III. COMPLAINANT’S NOTICE OF APPEARANCE, MOTION FOR SUBSTITUTION, AND ELECTRONIC FILING

Complainant has filed a notice of appearance for ACC Nain Martinez, Jr., in this matter and moves the Court, pursuant to 28 C.F.R. § 68.33(g), to substitute as counsel ACC Martinez, Jr., for ACC Kevin Terrill. Notice Appearance & Mot. Substitution 1. Complainant represents that substitution is necessary because Mr. Terrill is no longer employed by ICE. *Id.* ACC Martinez, Jr., also seeks the Court’s approval to participate in OCAHO’s Electronic Filing Pilot Program. *Id.* at 2.

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<sup>7</sup> 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: <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

Complainant attached to the filing a completed registration form and certification for the electronic filing program. *Id.*, Ex. A.

Complainant did not indicate Respondent's position on the motion, and Respondent has not filed a response. According to Complainant's certification, it served Respondent with the motion by USPS certified mail on January 12, 2014. *Id.* at 6. Given that more than ten days have passed since Respondent was served with the motion, it is ripe for a ruling. See 28 C.F.R. § 68.11(b) ("Within ten (10) days after a written motion is served . . . any party to the proceeding may file a response in support of, or in opposition to, the motion.").

OCAHO's Rules of Practice and Procedure for Administrative Hearings require each attorney to file a notice of appearance. See 28 C.F.R. § 68.33(f). The notice of appearance filed by ACC Martinez, Jr., comports with OCAHO's rules as it is signed and identifies "the name of the case or controversy, the case number if assigned, and the party on whose behalf the appearance is made." *Id.* It also is accompanied by "a certification indicating that such notice was served on all parties of record." *Id.*

OCAHO's rules provide that "[w]ithdrawal or substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion. The Administrative Law Judge shall enter an order granting or denying such motion for withdrawal or substitution." 28 C.F.R. § 68.33(g). OCAHO has granted motions to substitute counsel for DHS when counsel ceases to work as an ACC for the agency. See, e.g., *United States v. Upright Installation Servs., Corp.*, 18 OCAHO no. 1494, 3 (2023) (granting motion to substitute counsel pursuant to 28 C.F.R. § 68.33(g) where an ACC was leaving the employ of DHS).

Given Complainant's representation that Mr. Terrill no longer works for DHS, the entry of appearance by ACC Nain Martinez, Jr., and the lack of evidence of opposition to the motion, the Court grants Complainant's motion for substitution. See, e.g., *United States v. Spring & Soon Fashion Inc.*, 8 OCAHO no. 1003, 102, 128-29 (1998) (granting a motion to substitute counsel and noting that the request was reasonable and unopposed). ACC Martinez, Jr., is substituted for Mr. Terrill as Complainant's counsel of record.

On January 29, 2024, the Court received the signed and completed registration form and certification for ACC Nain Martinez, Jr., submitted for the purposes of filing and receiving orders through OCAHO's Electronic Filing Pilot Program. See Office of the Chief Administrative Hearing Officer Electronic Filing



Pilot Program, 79 Fed. Reg. 31143 (May 30, 2014). As this case was previously enrolled in OCAHO's Electronic Filing Pilot Program by order dated August 11, 2023, ACC Martinez, Jr., may now electronically file all filings in this case. OCAHO shall serve case-related documents electronically on ACC Martinez, Jr., and Respondent's counsel shall copy ACC Martinez, Jr., on all filings to, and all communications with, the Court. Complainant's counsel shall likewise ensure that Respondent's counsel is copied on all filings to, and all communications with, the Court. Given the representation that Mr. Terrill no longer works for DHS and the substitution of counsel, OCAHO and Respondent's counsel shall remove his email address from the service list in this matter.

#### IV. INITIAL PREHEARING CONFERENCE

The Court will hold an initial telephonic prehearing conference on Wednesday, February 28, 2024, at 11 a.m. Eastern Standard Time<sup>8</sup> to develop a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter. *See* 28 C.F.R. § 68.13. The Court also may schedule dates for the submission of a proposed final pretrial order and final pretrial conference. The Court's staff will provide the parties with the call-in information for the prehearing conference.

At the conference, the parties should be fully prepared and have authority to discuss any questions regarding the case, including questions raised by the pleadings, jurisdiction, pending motions, motions contemplated to be filed, the probable length of time needed for discovery, and the possibility of settlement of the case. The parties will have the opportunity to discuss any problems confronting them, including the need for time in which to prepare for a hearing. The parties shall be prepared at the conference to tell the Court their preferred location for a hearing, should one be required in this matter.<sup>9</sup>

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<sup>8</sup> If the parties need to reschedule the initial prehearing conference, at least five days in advance of the date set for the prehearing conference, they shall provide the Court with a joint written notice of a minimum of three proposed agreed dates and times in Eastern Standard Time for the rescheduled conference. The Court will confirm the date and time for the rescheduled conference either telephonically or in writing as soon thereafter as practicable.

<sup>9</sup> Sections 274A(e)(3)(B) and 274C(d)(2)(B) of the INA dictate that hearings be held "at the nearest practicable place to the place where the person or entity resides or to the place where the alleged violation occurred." 28 C.F.R. § 68.5(b).

## V. RULES GOVERNING PROCEEDINGS

Proceedings in this case will generally be governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings. The parties must familiarize themselves with these rules, including the standards of conduct under 28 C.F.R. § 68.35. The parties also may avail themselves of OCAHO's Practice Manual which outlines procedures and provides recommendations regarding practice before OCAHO.<sup>10</sup>

The Federal Rules of Civil Procedure may be used in situations not provided for, or controlled by, OCAHO's rules, by the Administrative Procedure Act, or other applicable statutes, executive orders, and regulations. 28 C.F.R. § 68.1.

During the pendency of this case, the parties shall comply with the following rules governing discovery, motions practice, and case filings:

1. The Court authorizes the parties in this matter to begin their discovery at any time and will set a discovery schedule at the initial prehearing conference.

2. Except when the discovery is used as an exhibit to a filing or as evidence during a hearing, the parties shall not file with the Court their discovery requests or responses to discovery requests, including, but not limited to, interrogatories, requests for production of documents, requests for admissions, deposition notices, and transcripts. *See* 28 C.F.R. § 68.6(b).

3. The parties must cooperate with each other in honoring discovery requests and make good-faith efforts to coordinate deposition dates. One party's failure or inability to respond to discovery does not excuse another party from promptly complying with discovery requests.

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<sup>10</sup> OCAHO's Practice Manual is available on the Executive Office for Immigration Review's Reference Materials page on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/reference-materials/ocaho>.



4. The parties can, and should, work out most discovery disputes. Before filing a discovery motion, the parties must confer, preferably in person or by telephone, in a good-faith effort to resolve the dispute without the Court's intervention. *See* 28 C.F.R. § 68.23(b)(4). Motions to compel, motions to quash, and other discovery motions must be accompanied by the relevant discovery requests and responses, along with a declaration stating with specificity when and how the movant complied with 28 C.F.R. § 68.23(b)(4). Parties must immediately notify the Court if they are withdrawing (or narrowing) any previously filed discovery motions.

5. Before filing a motion, the filing party must ask opposing counsel or the opposing party whether there is an objection to the motion, and the motion must state that the conferral occurred, or if not, why not. If there is an objection, the movant must note that fact on the first page of the motion and of any separate brief in support. Joint, uncontested, and agreed motions must be so identified in both the title and the body of the motion. Trial dates and discovery deadlines generally will not be reset except by written motion.

6. The pendency of a motion, such as a motion to dismiss, does not necessarily operate as a stay of discovery, although the parties may seek one from the Court.

7. Responses to motions, accompanied by such affidavits or other evidence upon which the party desires to rely, are due ten days after service unless the Court sets a different schedule, and parties must seek leave before filing a reply or a sur-reply under 28 C.F.R. § 68.11.

8. During the initial prehearing conference, the Court may set limits on the amount of discovery in this case and will set a discovery closing date. Except to the extent specified by the Court on motion by either party, discovery must be completed before the discovery closing date. Discovery requested, but not scheduled for completion, before the closing date, does not comply with this rule. Any motion to extend discovery must demonstrate good cause for the extension, state the other party's position on the motion and be filed with the Court before the discovery closing date.

9. All filings in this matter, including joint filings and filings submitted through the Electronic Filing Pilot Program, shall be accompanied by a certification indicating service to all parties of record and identifying the date and manner of service. 28 C.F.R § 68.6(a). Filings that fail to comply with this rule shall be subject to being stricken or rejected by the Court.

10. All multi-page filings and exhibits must be paginated. The parties must identify exhibits and attachments by letter, name, or number. Briefs and motions that exceed 15 pages must have a table of contents with the pages noted and a table of cases. Any filing that does not comply with this rule shall be subject to being stricken by the Court.

## VI. OCAHO SETTLEMENT OFFICER PROGRAM

OCAHO offers a voluntary mediation program through which the parties may use a settlement officer to mediate settlement negotiations as a means of alternative dispute resolution.<sup>11</sup> The program works as follows:

1. Upon receipt of a joint motion by the parties, the Court may refer a case for mediation before a settlement officer at any time while proceedings are pending, up to thirty days before the date scheduled for a hearing in the matter. The settlement officer may convene and oversee settlement conferences and negotiations, may confer with the parties jointly and/or individually, and will seek voluntary resolution of issues in the case.

2. With the consent of the parties, the settlement officer may, in his or her discretion, seek to extend the time for negotiations for a reasonable amount of time, not to exceed an additional thirty days. If an extension of the negotiation period is sought, the settlement officer shall seek approval of the extension from the presiding ALJ. If the presiding ALJ determines that an extension of the negotiation period is appropriate, the presiding ALJ shall issue an order extending the period of settlement negotiations and specifying whether and to what extent any procedural deadlines in the case are stayed. More information about the Settlement Officer Program can be found in OCAHO's Practice Manual: <https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7>.

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<sup>11</sup> EOIR Policy Memorandum 20-16 sets forth the OCAHO Settlement Officer Program and is available at <https://www.justice.gov/eoir/page/file/1300746/download>.

3. The Court recommends that the parties undertake settlement negotiations at the earliest practicable point in the litigation. The parties shall confer before the initial prehearing conference regarding their interest in participating in the program.

## VII. INITIAL PREHEARING STATEMENTS

Pursuant to 28 C.F.R. § 68.12, the parties shall file written prehearing statements of position with this Court and serve their statements on each other. The parties' initial prehearing statements shall contain the following sections:

### **1. The Nature of the Case**

- a. Identify the attorneys of record for each party, including the lead attorney. Confirm your best email address for OCAHO to use for scheduling issues. Respondent's counsel will confirm that he has provided his address of record with OCAHO to Complainant.
- b. State the basis for OCAHO jurisdiction.
- c. Describe the nature of the claims asserted in the complaint and any counterclaims.
- d. State the major legal and factual issues in the case.
- e. Describe the relief sought by the complainant(s).

## **2. Pending Motions and Discovery Case Plan**

- a. Identify all pending motions.
- b. Submit a proposal for a discovery plan, including the following information:
  - i. The general type of discovery needed. If no discovery is needed, please state so.
  - ii. A proposed fact discovery completion date.
  - iii. If there will be expert discovery, a proposed expert discovery completion date, including dates for the delivery of expert reports (or summaries for non-retained expert testimony).
  - iv. A proposed date for the filing of dispositive motions.

## **3. Pretrial Information**

- a. *Proposed Stipulations and Uncontested Facts.* In numbered paragraphs, list proposed stipulations and uncontested facts. Before the deadline for filing dispositive motions, the parties should plan to confer in good faith to arrive at as many stipulations and uncontested facts as possible to eliminate the necessity of taking evidence with respect to allegations as to which there are no genuine or substantial disputes.
- b. *Preliminary Witness Description List.* Provide a list of witnesses, including expert witnesses, divided into (1) witnesses who *will* be called and (2) witnesses who *might* be called. For each witness, provide a concise (2 or 3 sentences) description of the witness, the witness's role in the case, and a summary of the testimony expected.
- c. *Preliminary Exhibit List.* Include a list of your anticipated exhibits. Identify each exhibit with the designation to be used at the hearing. Complainant will identify its exhibits with the letter C and sequential numbers, e.g., C-1, C-2, and C-3, while Respondent will identify its exhibits as R-1, R-2, R-3, and so forth. Include substantive and proposed demonstrative exhibits. For each exhibit, provide a brief, neutral description of the exhibit and a concise statement of the exhibit's relevance. Do not file the exhibits themselves.

**4. Status of Settlement Discussions and Settlement Officer Program**

- a. State whether any settlement discussions have occurred.
- b. Describe the status of any settlement discussions.
- c. State whether the parties have conferred regarding the OCAHO Settlement Officer Program and whether each party is interested in a referral to the program.<sup>12</sup>

**VIII. INITIAL DISCLOSURES**

Simultaneously with the filing of the party's prehearing statement, the filing party will make its initial disclosure of its documentary evidence to the other party without waiting for a formal discovery request to be made. *See* Fed. R. Civ. P. 26(a)(1)(A)(ii). Copies of any exhibits listed in Section VII(3)(c) are to be disclosed to the other party, not to this Court. If any exhibit on a party's preliminary exhibit list does not yet exist, the party must disclose that exhibit to the other party within two weeks of its creation.

Mandatory initial disclosures shall include the names and contact information for persons other than those individuals listed under Section VII(3)(b) who have knowledge or discoverable information about the matters at issue unless the information would be solely for impeachment. *See* Fed. R. Civ. P. 26(a)(1)(A)(i).

Supplementation of initial disclosures is required in the same manner as would be required pursuant to 28 C.F.R. § 68.18(d).

**IX. ORDERS**

IT IS SO ORDERED that the Motion for Substitution filed by Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, is GRANTED. Assistant Chief Counsel Nain Martinez, Jr., is substituted for Kevin Terrill as counsel of record for Complainant in this matter.

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<sup>12</sup> The Court notes that Respondent stated in its Answer that it was interested in participating in the Settlement Officer Program. Ans. ¶ 6.

IT IS FURTHER ORDERED that Assistant Chief Counsel Nain Martinez, Jr., is extended electronic filing privileges in this case and counsel for both parties shall include each other on all filings to, and communications with, the Court and abide by the rules of OCAHO's Electronic Filing Pilot Program. Mr. Terrill shall be removed from the service list in this matter.

IT IS FURTHER ORDERED that Complainant and Respondent, PJ's of Texas, LLC, shall make their initial disclosures and file their prehearing statements with the Court within twenty-one days of the date of issuance of this Order.

IT IS FURTHER ORDERED that an initial telephonic prehearing conference in this matter will be held on Wednesday, February 28, 2024, at 11 a.m. Eastern Standard Time.

SO ORDERED.

Dated and entered on January 31, 2024.

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Honorable Carol A. Bell  
Administrative Law Judge