

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

December 2, 1997

LYDIA ANNELLA ANDERSON,)	
Complainant,)	
)	8 U.S.C. § 1324B Proceeding
v.)	
)	OCAHO Case No. 97B00009
NEWARK PUBLIC SCHOOLS,)	
Respondent.)	

MEMORANDUM OF PREHEARING CONFERENCE

On December 1, 1997 at 10 a.m., a telephonic prehearing conference was held in this matter. Appearing on behalf of the complainant was Mr. Eugene Liss, and on behalf of the respondent, Ms. Derlys Gutierrez, substituting for Peter Schultz. Respondent's new counsel is hereby requested to file a notice of appearance in accordance with applicable rules.¹ The principal focus of the conference was the establishment of a schedule for further proceedings.

Both parties indicated that they have completed discovery. Each party indicated that it would take one day to present its case-in-chief, should a hearing become necessary in this case. Each party shall have until January 15, 1998 to file dispositive motions. Factual positions must be supported by affidavit or other documentary evidence accompanying the parties' dispositive motions or their responses thereto if no motion is filed. The parties should also use this opportunity to address the legal issue of whether N.J.S.A. 18A:6-10 requires, or merely permits, the Newark Public Schools to distinguish between citizen and non-citizen teachers in determining what process is due in a termination proceeding, and, if such distinction is merely authorized rather than required, whether respondent may invoke the exception clause of 8 U.S.C. § 1324b(a)(2)(C).

SO ORDERED.

Dated and entered this 2nd day of December, 1997.

Ellen K. Thomas
Administrative Law Judge

¹ Rules of Practice and Procedure for Administrative Hearings, 28 C.F.R. Pt. 68 (1996). Rule 68.33(b)(5) provides that each attorney, with exceptions not here applicable, shall file such a notice.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1997, I have served copies of the foregoing Memorandum of Prehearing Conference on the following persons at the addresses indicated:

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