

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

January 15, 1998

HECTOR BRISEÑO,)	
Complainant,)	8 U.S.C. § 1324b Proceeding
)	
v.)	OCAHO Case No. 97B00095
)	
QUANTUM FOODS, INC.,)	
Respondent.)	

MEMORANDUM OF PREHEARING CONFERENCE

On January 13, 1998 at 3:00 p.m. (EST), a telephonic prehearing conference was held in this matter. Appearing on behalf of the complainant for purposes of this hearing only was George Spitaro. Deborah O'Brien appeared on behalf of the respondent.

Ms. O'Brien indicated that she and Gerald Haberkorn would be appearing as co-counsel in this matter. She was advised to file notices of appearance for both attorneys, as required by applicable rules.¹ Mr. Spitaro will likewise enter a notice of appearance if and when he is retained by the complainant as counsel.

Respondent orally moved to amend the caption to change the spelling of its name and to reflect its corporate status. That motion was granted without opposition, and the respondent's name in the caption of the case is hereby changed from "Cuamtum Foods" to "Quantum Foods, Inc."

Respondent was given thirty days from the date of the telephonic conference to file an amended answer which comports with OCAHO rules and to file its motion to dismiss. Complainant, with or without counsel, will have thirty days to respond to the motion. Respondent's reply, if any, is due fifteen days thereafter.

Discovery is stayed pending resolution of the motion to dismiss.

SO ORDERED.

Dated and entered this 15th day of January, 1998.

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) requires that the attorney certify that such notice was served on all parties of record.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 1998, I have served copies of the foregoing Memorandum of Prehearing Conference on the following persons at the addresses indicated:

John D. Trasvina, Esq.
Special Counsel
Office of Special Counsel for Immigration-
Related Unfair Employment Practices
P.O. Box 27728
Washington, D.C. 20038-7728

Hector Briseño
4742 S. Wood Street
Chicago, IL 60609-9999

George Spitaro
30 North LaSalle St.
Chicago, IL 60602

Gerald Haberkorn, Esq.
Deborah O'Brien, Esq.
Lowis & Gellen
Attorneys at Law
Suite 1900
200 West Adams Street
Chicago, IL 60606

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041

Cynthia A. Castañeda
Legal Technician to
Ellen K. Thomas
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
(703) 305-1742