

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

UNITED STATES OF	)	
AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. 1324a Proceeding
	)	CASE NO. 90100149
	)	
CHARO'S CORPORATION	)	
d.b.a., "CHARO'S RESTAURANT",	)	
Respondent.	)	
_____	)	

ORDER RE: NOTICE  
OF APPEARANCE

In my Order of May 24, 1991, I confirmed the telephone conversation with the parties of May 22, 1991. In said conversation, Respondent indicated that it intended to present further information relative to certain violations found in Count III of the Complaint. Previous to said conversation, it had been my understanding that Respondent had no objection to my granting a summary decision as to those violations. However, with Complainant's apparent consent, I agreed to permit Respondent to provide additional information relative to those violations in its post-hearing brief. I understood from Complainant's comments in said conversation that the parties had discussed Respondent's concerns regarding liability for these violations and did not oppose my reconsideration of these violations.

On May 31, 1991, I received Complainant's Motion for Notice of Appearance and/or Substitution of Counsel for Respondent. Complainant stated that it had not received a Notice of Appearance for Peter Schey, Esquire, who has recently become involved in this matter on Respondent's behalf. Complainant expressed a concern as a result of its inability to contact Mr. Schey and demanded a Notice of Appearance to enable it to deal directly with Mr. Schey. Complainant also

indicated that it was apparently unaware of Respondent's desire to submit additional information regarding the violations in Count III.

I deny Complainant's motion as being moot. I have received a Notice of Appearance for Mr. Schey and his associate Carlos Holguin, Esquire, dated May 25, 1991, a copy of which was provided to Complainant. Additionally, I received a Motion for Attorney's Fees and Costs, submitted by Attorneys Schey and Holguin, dated May 15, 1991. This Motion was also provided to Complainant on that date and contained the address and telephone number of Attorneys Schey and Holguin. I fail to see how Complainant has been placed at a disadvantage by the recent entry of Attorneys Schey and Holguin into this matter, since they have provided copies of all documents filed to Complainant.

Complainant also took part in the telephonic conversation of May 22, 1991 and was aware at that time of my acquiescence to Respondent's request to submit additional information regarding its position as to the violations in Count III. If Complainant believes that summary decision on this Count is still applicable, it should so state in its brief. Unless Respondent presents very compelling evidence as to why I should not continue to accept its earlier admissions as to these violations, my previous position regarding summary decision will stand.

For all intents and purposes this matter is closed and upon receipt of the parties post-hearing briefs and/or memoranda, I will issue my final order. As I stated in my May 24, 1991 Order, I expect both parties to fully brief all outstanding issues. It baffles me that after 14 months of litigation, the parties are apparently not inclined to finally dispose of this matter. I will permit no further delays and will expect the parties briefs in a timely manner.

**IT IS SO ORDERED** this 31st day of May, 1991, at San Diego, California.

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E. MILTON FROSBURG  
Administrative Law Judge