

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
	)	OCAHO Case No. 2023A00050
	)	
GROVE HOTEL, LLC,	)	
D/B/A HOLIDAY INN EXPRESS,	)	
Respondent.	)	
	)	

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Appearances: Geoffrey P. Gilpin, Esq., for Complainant  
Joseph R. Mazzone, Esq. for Respondent

ORDER GRANTING CONTINUANCE OF STATUS CONFERENCE

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On March 7, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, Grove Hotel, LLC, d/b/a Holiday Inn Express, violated 8 U.S.C. § 1324a(a)(1)(B). On March 28, 2023, Respondent, through counsel, filed an answer.

On June 6, 2023, the Court issued an Order Memorializing Prehearing Conference, in which it set a status conference for October 3, 2023.

On June 30, 2023, the Court referred this case to OCAHO's Settlement Officer program for a period of 60 days. The Court designated Administrative Law Judge (ALJ) Bell as the settlement officer in this matter. On September 8, 2023, that sixty-day period elapsed.

On September 28, 2023, Complainant filed a Motion to Continue Conference and Motion to Accept Untimely Brief. Complainant seeks an extension because the parties' attorneys "have come to an agreement, but . . . have been unable to have all parties sign the agreement so that a motion to dismiss can be filed." Mot. Continue Conference 2. The motion was submitted without objection by Respondent.

OCAHO's rules provide for motions for continuance to postpone a scheduled proceeding. *See* 28 C.F.R. § 68.27. Under OCAHO's rules, if a request for a continuance is filed within fourteen days of the scheduled proceeding, the request must show "good cause" arising within that period, § 68.27(c) ("Except for good cause arising thereafter, requests for continuances must be filed not later than fourteen (14) days prior to the date of the scheduled proceeding."); and be telephonically communicated to "the Administrative Law Judge or a member of the Judge's staff and to all other parties." *Id.* These rules are applicable in this matter because Complainant filed its motion six days before the status hearing was scheduled to occur.

The Court finds a continuance appropriate under the circumstances. Given the parties' avowed interest in settlement and "OCAHO policy favoring settlement of civil cases over litigation," United States v. Koy Chinese & Sushi Rest., 16 OCAHO no. 1416e, 9 (2023) (CAHO Order), the Court finds that there is sufficient good cause to support a continuance of the status conference. *See* 28 C.F.R. § 68.27(a) ("Continuances shall only be granted in cases where the requester . . . can demonstrate . . . good cause."); Heath v. Rang Tech., 17 OCAHO no. 1420, 2 (2022) (finding good cause for continuance of a prehearing conference where the parties had reached a tentative agreement).

The Court will permit the continuance despite Complainant's technical violation of the rules. The Court finds that Complainant's communication with the Court of its continuance request via e-mail "substantially complies with the spirit of the rules" because "the request was received by all parties and the Court prior to the scheduled proceeding." Heath, 17 OCAHO no. 1420 at 2.

Accordingly, Complainant's motion is GRANTED. The court will continue the status conference for 30 days to allow the parties to finalize their settlement agreement. The parties may file a submission pursuant to 28 C.F.R. § 68.14(a) notifying the Court that the parties have reached a full settlement and have agreed to dismissal of the action, or seek entry of consent finding. If the Court is not in receipt of a submission pursuant to 28 C.F.R. § 68.14(a) by November 3, 2023, the Court ORDERS that a status conference will be held on November 13, 2023 at 10 am eastern.

SO ORDERED.

Dated and entered on October 2, 2023.

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Honorable John A Henderson  
Administrative Law Judge