

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

May 21, 2025

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| ZAJI OBATALA ZAJRADHARA, |) | |
| Complainant, |) | |
| v. |) | 8 U.S.C. § 1324b Proceeding |
| EFG PACIFIC HOLDINGS, LLC, |) | OCAHO Case No. 2024B00107 |
| Respondent. |) | |
| |) | |

Appearances: Zaji O. Zajradhara, pro se Complainant
Stephen J. Nutting, Esq., for Respondent

ORDER REQUIRING RESPONDENT TO FILE COMPLAINANT'S
DISCOVERY REQUESTS

I. BACKGROUND

On May 17, 2024, Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, EFG Pacific Holdings, LLC. Complainant alleges that Respondent discriminated against him based on national origin and citizenship status by failing to hire him, retaliated against him, and rejected or refused documentation presented to prove Complainant's identity and/or show his work authorization.

The Court accepted the Respondent's Answer on January 15, 2025. Order Discharging Order to Show Cause and Accepting Answer 2-3. Also on January 15, 2025, the Court issued a Case Scheduling and General Litigation Order, setting discovery to close on April 15, 2025, and dispositive motions to be filed on May 15, 2025.

Subsequently, the parties filed a series of motions. On March 8, 2025, Respondent filed a Motion for Summary Decision.¹ Complainant had already filed a response to Respondent's Motion for

¹ As Complainant has apparently not had the benefit of discovery, the Court will resolve the discovery dispute before ruling on the Motion for Summary Decision.

Summary Decision, on March 4, 2025, as well as a motion titled “Supra Motion Regarding Attorney Stephen J. Nutting’s Conflict of Interest and Pattern of Obstruction” on the same day.

Respondent filed a “Motion for an Order of Protection” on March 19, 2025, to which Complainant responded the same day. The motion is a motion for a protective order from discovery propounded by Complainant. This order addresses that motion.

On May 13, 2025, Complainant filed his own Motion for Summary Judgment.²

II. PROTECTIVE ORDER

A. Scope of Discovery in OCAHO Proceedings

Litigants in this forum “may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding” unless the presiding Administrative Law Judge (ALJ) limits discovery by order. 28 C.F.R. 68.18(b). When deciding whether to limit discovery, the Court may consider factors such as whether “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case” *United States v. Durable, Inc.*, 11 OCAHO no. 1221, 3 (2014) (quoting Fed. R. Civ. P. 26(b)(2)(C)(iii)).

B. Protective Order

OCAHO’s Rules of Practice and Procedure allow the presiding Administrative Law Judge (ALJ) to issue protective orders “[u]pon motion by a party or the person from whom discovery is sought, and for good cause shown[.]” 28 C.F.R. § 68.18(c); *Zajradhara v. Pure Water Corp.*, 20 OCAHO no. 1584c, 4 (2024).³ Such an order is appropriate when “justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression, or undue burden or expense[.]” 28 C.F.R. § 68.18(c).

“[T]he standard for issuance of a protective order is high.” *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388c, 3 (2021) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324, 2 (2019)). “The moving party must ‘show some plainly adequate

² The Court will also hold off on adjudicating this dispositive motion until the discovery issues have been resolved.

³ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, *seriatim*, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, 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 in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

reason for the issuance of a protective order, and courts have required a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statement.”” *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d, 2 (2021) (quoting *United States v. Agripac, Inc.*, 8 OCAHO no. 107, 268, 271 (1998)). The determination requires “balancing the interests of harm to the party seeking protection with the importance of open proceedings.” *Id.* (quoting *McCaffrey v. LSI Logic Corp.*, 6 OCAHO no. 883, 663, 665-66 (1996)). The presiding ALJ may issue an order determining that, among other outcomes, the discovery may not be had, or that it may be had “only on specified terms and conditions[.]” 28 C.F.R. § 68.18(c)(1)-(2).

Respondent argues that Complainant has requested documents and information beyond the scope of the present case. Mot. Protection 1.⁴ *Id.* Respondent did not include the discovery requests, but provided a brief clause about the nature of the requests. *Id.* at 2.

Relevant to the motion, Complainant asserts that Respondent does not provide specific justification for his claim that the requests are overbroad. *Id.* at 2.⁵

Although OCAHO’s Rules of Practice and Procedure do not require the requesting party to submit the discovery requests from which it seeks protection, *see* 28 C.F.R. § 68.18(c), the Court finds that requiring it in this instance is appropriate. Having a copy of the discovery requests in question will help the Court determine whether the requests are discoverable and what appropriate parameters for a potential protective order might be (e.g., allowing certain discovery requests, allowing some but giving Respondent leave to redact certain sensitive information, or disallowing the requested discovery in its entirety). This situation differs from recent examples where the Court granted protective orders where the requested protective order was unopposed. *See, e.g., Talebinezad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464b (2023) (granting protective order where the parties submitted a joint stipulation for a protective order); *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d (2021) (granting stipulated protective order). Because the request before the Court is opposed and appears to involve a wide variety of discovery, it more closely resembles the situation in *Ogunrinu v. Law Resources*, 13 OCAHO no. 1333a (2019), where the protective order was opposed but the Court had the benefit of reviewing the multiple discovery requests involved when adjudicating the motion.

⁴ Respondent also argued that Complainant had no intention of pursuing the job, but merely applied to extort a financial settlement from Respondent, including an order from the Supreme Court of the Commonwealth of the Northern Mariana Islands requiring Complainant to show cause as to why he should not be considered a vexatious litigant. *N. Marianas Coll. v. Zajradhara*, No. 2024-SCC-0019-CIV (N. Mar. I. Sup. Ct. March 18, 2025). This argument also forms one of the bases for Respondent’s summary decision motion. At this point Complainant has asserted a facially cognizable claim for discrimination and retaliation and he is entitled to discovery for that claim. Once the record is at the point where the Court can address the summary decision motion (which also asserts a substantive basis for summary decision), the Court will address the Respondent’s argument that Complainant is bringing a vexatious claim.

⁵ Complainant also levies a number of accusations against Respondent’s attorney, such as a conflict of interest, obstruction of justice, etc. Resp. Mot. Protection 2-4. This Court will address those claims in a later decision.

The Court now ORDERS Respondent to file a copy of Complainant's discovery requests from which it requests protection within 15 days of the date of this Order.

SO ORDERED.

Dated and entered on May 21, 2025.

Honorable Jean C. King
Chief Administrative Law Judge