

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

WALIED SHATER,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2022B00025
SHELL OIL COMPANY,)	
Respondent.)	

ORDER SETTING STATUS CONFERENCE

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On February 16, 2022, Complainant, Walied Shater, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleged that Respondent, Shell Oil Company, retaliated against him for asserting rights protected under § 1324b. Complainant attached copies of the charge document he filed with the Immigrant and Employee Rights Section (IER), as well as a letter from IER informing him that he could file a complaint with OCAHO.

The Court sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), including a copy of the complaint, on February 22, 2022, via U.S. certified mail. The NOCA directed that an answer was to be filed within 30 days of receipt of the complaint, that failure to answer could lead to default, and that proceedings would be governed by Department of Justice regulations.

On May 2, 2022, Complainant filed a document titled "Request for Deposition of Respondent (Shell Oil Company) by Complainant (Walied Shater) Under 28 CFR 68.22 Depositions" (Request for Deposition), indicating that Complainant sent a copy to Respondent's Legal Department via U.S. certified mail on April 23, 2022. In this filing, Complainant requested depositions of witnesses to take place between June 1 and June 4, 2022.

On May 12, 2022, Complainant filed a document titled "Additional Information by Complainant..." indicating that he sent a copy to Respondent's Legal Department on May 3, 2022¹ via U.S. certified mail.

On June 6, 2022, the Court received a letter dated May 31, 2022 from Attorney Ethel J. Johnson, Partner at Morgan Lewis, on behalf of Shell Oil Company. Attorney Johnson wrote that on May 17, 2022, Shell Oil Company's Legal Department received Complainant's Request

¹ Although Complainant wrote that the filing was "[d]ated and Mailed May 3, 3033," this appears to be a scrivener's error.

for Deposition and Additional Information, but had no knowledge of the matter prior to that date, and not been served with the complaint. Johnson also wrote that Complainant had an employment discrimination lawsuit pending in the United States District Court for the Southern Division of Texas against Respondent, and an administrative charge of retaliation against Respondent pending before the Equal Employment Opportunity Commission, Houston District Office. Counsel requested that Complainant's deposition requests be quashed and that the matter be stayed until a determination as to whether Complainant's other pending actions against Respondent trumped his action before this Court.

The Court then sent the NOCA via U.S. certified mail to Attorney Johnson. The U.S. Postal Service indicates service was completed on August 8, 2022, making the answer deadline September 7, 2022. As of October 4, 2022, the Court has not received an answer from Respondent.

Accordingly, the Court will hold a status conference call with the parties on Wednesday, November 16, 2022, at 12:00 p.m. Eastern Standard Time to discuss the service of the NOCA and the status of proceedings. The parties may join the status conference call by calling 193-252-737 and entering PIN 211-0168.

SO ORDERED.

Dated and entered on October 13, 2022.

JOHN

HENDERSON

Digitally signed by
JOHN HENDERSON

Date: 2022.10.13
14:31:42 -04'00'

Honorable John A. Henderson
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2022, I have placed the foregoing Order Setting Status Conference in the United States Department of Justice mail system for processing by ordinary mail and service on the following persons at the addresses indicated:

Alberto J. Ruisanchez
Deputy Special Counsel
United States Department of Justice
Civil Rights Division
Immigrant and Employee Rights Section
950 Pennsylvania Avenue, NW – 4CON
Washington, DC 20530

Walied Shater
40 Highland Drive
West Caldwell, NJ 07006

Shell Oil Company
150 N Dairy Ashford Road, Suite A
Houston, TX 77079

Attn: Ethel J. Johnson
1000 Louisiana Street, Suite 4000
Houston, TX 77002

BONITA Digitally signed
by BONITA ALLEN
ALLEN Date: 2022.10.13
15:12:32 -04'00'

Bonita Allen
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John A. Henderson
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