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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Petitioner,

v.

SPACE EXPLORATION
TECHNOLOGIES CORP., d/b/a
SPACEX,

Respondent.

No. 2:21-mc-00043

**UNITED STATES' NOTICE OF
APPLICATION AND APPLICATION
FOR ORDER TO COMPLY WITH
ADMINISTRATIVE SUBPOENA**

[To Be Assigned]
United States District Judge

1 **NOTICE OF APPLICATION AND APPLICATION TO ENFORCE SUBOENA**

2 PLEASE TAKE NOTICE that Petitioner United States of America will, and
3 hereby does, move this Court for an order requiring Respondent Space Exploration
4 Technologies Corp., d/b/a SpaceX (“SpaceX”) to comply with Investigatory Subpoena
5 Number 2021S00001 (“Subpoena”). The United States requests that the assigned
6 district judge schedule a hearing to occur on or after February 25, 2021.

7 Petitioner respectfully applies to this Court to order SpaceX to comply with the
8 Subpoena because the Subpoena is enforceable and not overbroad or unduly
9 burdensome.

10 This Application is based on the Notice, Memorandum in Support attached
11 hereto, and Declaration of Lisa R. Sandoval and the attached exhibits in support.

12 Under Local Rules 7-3 and 16-12(g) the parties need not meet and confer prior
13 to the filing of this Application.

14 Dated: January 28, 2021

Respectfully submitted,

JENNIFER A. DEINES
Acting Deputy Special Counsel
C. SEBASTIAN ALOOT
Special Litigation Counsel

18
19 /s/ Lisa R. Sandoval
LISA R. SANDOVAL
SEJAL P. JHAVERI
Trial Attorneys
Attorneys for the United States

1 **APPLICATION FOR ORDER TO COMPLY WITH ADMINISTRATIVE**
2 **SUBPOENA**

3 Petitioner, United States of America, hereby petitions for an order requiring
4 Space Exploration Technologies Corp., d/b/a SpaceX (“SpaceX”) to comply with
5 Investigatory Subpoena Number 2021S00001 (“Subpoena”), served on October 12,
6 2020. In support of this Application, the United States respectfully submits the
7 accompanying Memorandum in Support and Declaration of Lisa R. Sandoval and
8 avers the following:

- 9 1. This Application is made in accordance with 8 U.S.C. § 1324b(f)(2) and 28
10 C.F.R. § 68.25(e).
- 11 2. The Court has subject matter jurisdiction over this summary enforcement
12 proceeding pursuant to 8 U.S.C. § 1324b(f)(2) and 28 U.S.C. §§ 1331 and 1345.
- 13 3. This judicial district is a proper venue under 28 U.S.C. § 1391(b)(1) and (b)(2)
14 because SpaceX is located in this district, and because a substantial part of the
15 events and omissions giving rise to this enforcement proceeding occurred in this
16 district.
- 17 4. The Immigrant and Employee Rights Section (“IER”), Civil Rights Division,
18 U.S. Department of Justice, enforces the anti-discrimination provision of the
19 Immigration and Nationality Act (“INA”), which prohibits employment
20 discrimination on the basis of citizenship and national origin. *See* 8 U.S.C.
21 § 1324b.
- 22 5. Defendant is SpaceX, headquartered at 1 Rocket Road, Hawthorne, CA 90250.
23 Upon information and belief, at all relevant times SpaceX maintained an office
24 and transacted business in this judicial district.
- 25 6. On May 29, 2020, IER opened an investigation of SpaceX to determine whether
26 it had engaged in an individual violation or pattern or practice of (1) citizenship
27 status discrimination in hiring, firing, or recruitment or referral for a fee in
28 violation of 8 U.S.C. §§ 1324b(a)(1), and/or (2) requesting more or different

1 documents than are required to establish employment eligibility, or rejecting
2 documents that reasonably appear genuine (commonly called “unfair
3 documentary practices”) based on citizenship status or national origin, in
4 violation of 8 U.S.C. § 1324b(a)(6).

5 7. On October 7, 2020, IER obtained the Subpoena from Administrative Law
6 Judge Jean King of the United States Department of Justice, Executive Office
7 for Immigration Review, Office of the Chief Administrative Hearing Officer
8 (“OCAHO”), requiring SpaceX to produce to IER the documents described in
9 Attachment A to the Subpoena by 3:00 p.m. EDT on October 22, 2020. IER
10 served the Subpoena on SpaceX via FedEx on October 9, 2020, and SpaceX
11 received the Subpoena on October 12, 2020.

12 8. On October 26, 2020, SpaceX filed a Petition to Modify or Revoke OCAHO
13 Subpoena Duces Tecum pursuant to 28 C.F.R. § 65.25(e).

14 9. IER opposed the Petition to Modify or Revoke the Subpoena Duces Tecum on
15 November 1, 2020.

16 10. On December 1, 2020, OCAHO issued an order denying SpaceX’s Petition to
17 Modify or Revoke the Subpoena, requiring that SpaceX comply with the
18 Subpoena within 14 days from the date of the Order, and authorizing IER to
19 pursue enforcement of the Subpoena with the appropriate United States district
20 court, if SpaceX failed to comply.

21 11. To date, SpaceX has refused to comply with the Subpoena.

22 12. The Declaration of Lisa R. Sandoval and the attached exhibits provide additional
23 factual support for this Application. The exhibits are incorporated by reference
24 into this Application.

25 WHEREFORE, the United States respectfully petitions this Court to:

- 26 1. Issue an Order directing SpaceX to comply with the Subpoena within 14 days of
27 the Court’s Order; and

28 //

1 2. Grant such other relief, including appropriate costs, as this Court deems
2 necessary and appropriate.

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4 Respectfully submitted,

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6 Dated: January 28, 2021

7 JENNIFER A. DEINES
8 Acting Deputy Special Counsel

9 C. SEBASTIAN ALOOT
10 Special Litigation Counsel

11
12 /s/ Lisa R. Sandoval
13 LISA R. SANDOVAL
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