



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

Equal Employment Opportunity Program

5107 Leesburg Pike, Suite 1904
Falls Church, VA 22041

December 3, 2012

SENT VIA ELECTRONIC MAIL

Ali M.M. Mojdehi, Esq.
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121-1909

**RE: NOTICE OF ACCEPTANCE OF COMPLAINT OF DISCRIMINATION
DOCKET NUMBER: EOI-2013-00081**

Dear Mr. Mojdehi:

This notice acknowledges the Department of Justice's acceptance of Immigration Judge Ashley Tabaddor's formal complaint of discrimination against the United States Department of Justice, Executive Office for Immigration Review (EOIR or the Agency), which she filed on October 23, 2012. The investigation will consist of the following claim(s):

Judge Tabaddor alleges that EOIR management discriminated against her on the basis of national origin, religion, race, and reprisal when it issued her a legal opinion to recuse herself from immigration cases involving Iranians.

If you do not agree with the proposed scope of this investigation, then, within seven (7) calendar days of receipt of this letter, you must provide this office with a written explanation as to why you disagree.

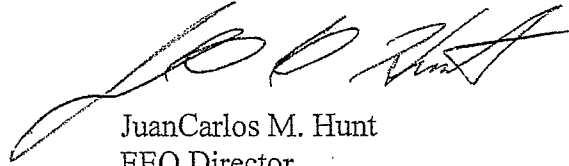
We will assign the complaint to an EEO investigator for investigation. The investigator is authorized to investigate only the above-referenced accepted claim(s). At the conclusion of the investigation, the EEO investigator will file a report of the investigation, and we will provide you with a copy of the complete investigative file.

The EEO investigator will contact you to set a date for the initial interview and investigation. Judge Tabaddor must cooperate with the EEO investigator. Failure to do so may result in the dismissal of her complaint for failure to proceed. Judge Tabaddor also is

responsible for providing the EEO investigator with a list of witnesses, if any, and with additional documentation, if any, to substantiate her complaint.

EEOC regulations also require that Judge Tabaddor notify this office of any prolonged absence from her current address and any change of address or telephone number. If you have any questions regarding the processing of your client's complaint, please contact me at (703) 305-0890.

Sincerely,



Juan Carlos M. Hunt
EEO Director

cc: Ashley Tabaddor
1415 Camden Avenue Apt. 208
Los Angeles, CA 90025



Ali M. M. Mojdehi
T: +1 858 550 6055
amojdehi@cooley.com

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED
VIA EMAIL (JUANCARLOS.HUNT@USDOJ.GOV)

December 10, 2012

JuanCarlos M. Hunt
EEO Director
United States Department of Justice
Executive Office for Immigration Review
Equal Employment Opportunity Program
5107 Leesburg Pike, Suite 1904
Falls Church, Virginia 22041

RE: Notice of Acceptance of Complaint of Discrimination
Docket Number: EOI-2013-00081

Dear Mr. Hunt:

We are in receipt of the Notice of Acceptance of Complaint of Discrimination ("Notice") issued by your office via email on December 3, 2012 in connection with the above-referenced complaint number. As an initial matter, the Notice cites an erroneous date for the filing of Judge Tabaddor's formal complaint, which should be reflected as November 29, 2012. More importantly, as directed in the Notice, this letter serves as a written explanation of our disagreement with the proposed scope of the investigation on Judge Tabaddor's complaint.

In this respect, we wish to clarify that Judge Tabaddor was not just "issued a legal opinion to recuse herself from immigration cases involving Iranians" as described in the Notice. Rather, as detailed in the formal complaint, Judge Tabaddor was first given a recommendation to recuse herself from any matters involving individuals from Iran that came before her and later expressly ordered to recuse herself from all cases involving Iranian respondents. This discrimination is continuous in nature as there is an ongoing active order in place not to assign Judge Tabaddor any cases with Iranian nationals. Additionally, while the proposed investigation does reference reprisal, we wish to clarify that Judge Tabaddor's claim of reprisal relates to facts beyond the recusal order, as set forth in the formal complaint. In short, after Judge Tabaddor protested the recusal order as being discriminatory, she was subject to adverse action by being held to a more restrictive standard in her ability to participate in outside activities. Lastly, we want to be sure that the reference to "EOIR management" in the description of the scope of the investigation includes all of the "Respondents" identified in Judge Tabaddor's formal complaint.



JuanCarlos M. Hunt
December 10, 2012
Page Two

We look forward to hearing from you regarding the matters set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read "Ali M. M. Mojdehi".

Ali M. M. Mojdehi

cc: Judge A. Ashley Tabaddor

789487 v1/SD



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
Equal Employment Opportunity Program

5107 Leesburg Pike, Suite 1904
Falls Church, VA 22041

December 11, 2012

SENT VIA ELECTRONIC MAIL

Ali M.M. Mojdehi, Esq.
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121-1909

**RE: NOTICE OF AMENDED ACCEPTANCE OF COMPLAINT OF
DISCRIMINATION
DOCKET NUMBER: EOI-2013-00081**

Dear Mr. Mojdehi:

The EEO office has received your letter of December 10, 2012, requesting that we clarify and amend the Notice of Acceptance (NOA), dated December 3, 2012. The EEO office agrees that the NOA should be clarified to better identify the retaliation claim. As a result, the EEO office is amending the NOA regarding the formal complaint of discrimination filed by Judge Tabaddor on November 29, 2012, against the United States Department of Justice, Executive Office for Immigration Review (EOIR or the Agency). The investigation will consist of the following claim(s):

Judge Tabaddor alleges that EOIR discriminated against her on the basis of national origin, religion, race, and reprisal related to the issuing of an ethics opinion to recuse herself from immigration cases involving Iranians. Judge Tabaddor further alleges that EOIR has retaliated against her for claiming that the ethics opinion is discriminatory.

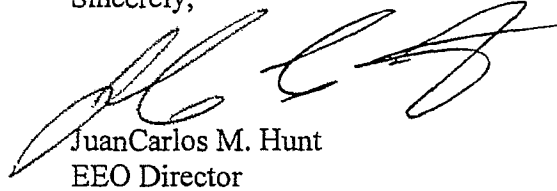
We will assign the complaint to an EEO investigator for investigation. The investigator is authorized to investigate only the above-referenced accepted claim(s). At the conclusion of the investigation, the EEO investigator will file a report of the investigation, and we will provide you with a copy of the complete investigative file.

The EEO investigator will contact you to set a date for the initial interview and investigation. Judge Tabaddor must cooperate with the EEO investigator. Failure to do so may

result in the dismissal of her complaint for failure to proceed. Judge Tabaddor also is responsible for providing the EEO investigator with a list of witnesses, if any, and with additional documentation, if any, to substantiate her complaint.

EEOC regulations also require that Judge Tabaddor notify this office of any prolonged absence from her current address and any change of address or telephone number. If you have any questions regarding the processing of your client's complaint, please contact me at (703) 305-0890.

Sincerely,



Juan Carlos M. Hunt
EEO Director

cc: Ashley Tabaddor
1415 Camden Avenue Apt. 208
Los Angeles, CA 90025

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Ali M. M. Mojdehi
T: +1 858 550 6055
amojdehi@cooley.com

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED
VIA EMAIL (JUANCARLOS.HUNT@USDOJ.GOV)

December 19, 2012

JuanCarlos M. Hunt
EEO Director
United States Department of Justice
Executive Office for Immigration Review
Equal Employment Opportunity Program
5107 Leesburg Pike, Suite 1904
Falls Church, Virginia 22041

RE: Notice of Amended Acceptance of Complaint of Discrimination
Docket Number: EOI-2013-00081

Dear Mr. Hunt:

We have reviewed the Notice of Amended Acceptance of Complaint of Discrimination ("Amended Notice") dated December 11, 2012. We appreciate your consideration of our December 10, 2012 correspondence addressing the proposed scope of the investigation on Judge Tabaddor's formal discrimination complaint and your acknowledgement of the need to better identify the reprisal claim raised in Judge Tabaddor's complaint. In keeping with our desire to have clarity, we are writing to address your present characterization of the Executive Office of Immigration Review (EOIR) having issued an "ethics opinion." As discussed in the formal discrimination complaint (and evidenced in the attached exhibits) and included in our December 10 correspondence, Judge Tabaddor was not issued an opinion to recuse herself from all cases involving individuals from Iran. Rather, she was formally ordered to do so by both Mr. Rosenblum of the EOIR Office of the General Counsel as well as Assistant Chief Immigration Judge Fong and continues to be subject to an order precluding the assignment of such cases.

On an administrative point, we additionally write to request that for purposes of mailing correspondence or other materials to Judge Tabaddor by certified mail or other means that require a signature upon receipt, you utilize the following mailing address:

10590 Wilshire Boulevard #1002
Los Angeles, CA 90024



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
Equal Employment Opportunity Program

5107 Leesburg Pike, Suite 1904
Falls Church, VA 22041

December 14, 2012

Mr. Richard Toscano, Director
Equal Employment Opportunity Staff
Justice Management Division
U.S. Department of Justice
2 CON
145 N Street, N.E., Suite 1W.801
Washington, DC 20530

**RE: Complaint of Discrimination
Ashley Tabaddor, EOI-2013-00081**

Dear Mr. Toscano:

This memorandum is to request that another DOJ component process the EEO complaint of discrimination filed by Immigration Judge Ashley Tabaddor against the Executive Office for Immigration Review, due to a potential conflict of interest. Furthermore, it is our understanding that EOIR, OGC, ELR has requested that EOUSA, OGC represent EOIR due to a potential conflict of interest, and that EOUSA has agreed to do so. Due to potential conflicts of interest, EOIR, EEO does not recommend that JMD, EEOS assign the processing of this complaint to EOUSA's EEO office.

Attached is the Complaint file, including the following documents;

1. Notice of Receipt of complaint of discrimination;
2. Notice of Acceptance of complaint of discrimination; and
3. Email exchange with EOUSA, OGC confirming that it will represent EOIR.

Please ensure that all correspondence regarding this complaint be sent to the following address:

U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director

RECEIVED EEO STAFF/JMD
2012 DEC 17 AM 8:09

Equal Employment Opportunity Program
5107 Leesburg Pike, Suite 1904
Falls Church, VA 22041

If you have any questions regarding this request, please give me a call at (703) 305-0890.

Sincerely,



Juan Carlos M. Hunt
EEO Director

Enclosures