

FIFTH CIRCUIT EXPEDITES DOL'S APPEAL INVOLVING OVERTIME RULE

Date: 8 December 2016

Labor, Employment and Workplace Safety Alert

By: Amy L. Groff, David C. Lindsay, Patrick M. Madden, Blinn-Spears, Bridget A.

As described in more detail in the article linked below, a federal district judge issued a preliminary injunction blocking implementation of the overtime rule that was slated to take effect on December 1. The Department of Labor (DOL) has since appealed that decision to the U.S. Court of Appeals for the Fifth Circuit. Today, the Fifth Circuit granted DOL's motion to expedite briefing in this appeal. Under the expedited briefing schedule, which was modified from that which DOL proposed, DOL's opening brief will be due on December 16, 2016; the states' brief in support of the district court's injunction will be due on January 17, 2017; and DOL's reply brief will be due on January 31, 2017. The court set deadlines for amicus briefs of December 23, 2016, for briefs in support of DOL's position, and January 24, 2017, for briefs in support of the states' position. The court also indicated that it would schedule oral argument for the first available sitting after the close of briefing. This timing would allow the DOL, under the Trump Administration, to abandon DOL's current position and stop defending the appeal if it chose to do so.

[Click here](#) to read our Legal Insight titled "Federal Judge Blocks DOL Overtime Rule Implementation."

KEY CONTACTS



AMY L. GROFF
PARTNER

HARRISBURG
+1.717.231.5876
AMY.GROFF@KLGATES.COM



DAVID C. LINDSAY
PARTNER

RALEIGH, CHARLOTTE
+1.919.743.7304
DAVID.LINDSAY@KLGATES.COM



PATRICK M. MADDEN
PARTNER

SEATTLE
+1.206.370.6795
PATRICK.MADDEN@KLGATES.COM

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.