



Possible October Oral Arguments In Exemption Appeal

Insights

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By: The Editor

The 5th Circuit U.S. Court of Appeals has "tentatively" scheduled oral arguments for the week of October 2, 2017 regarding the U.S. Department of Labor's efforts to overturn last November's preliminary injunction blocking salary-related changes affecting the federal Fair Labor Standards Act's "white collar" exemptions.

Of course, this means that arguments will not occur for at least a couple of months. It is not possible to predict how long it will be before the court issues a ruling after they do take place. Moreover, these proceedings relate only to the lower court's *preliminary* injunction, and dispositive motions are still pending in the lower court. It is unlikely that this litigation will be conclusively resolved anytime soon.

It could well be that, from a broader perspective, responses to USDOL's recent Request for Information will lead to relatively-prompt agency action dealing with these matters in a more-comprehensive way. This is one reason that employers should begin *right now* to think about what substantive, well-considered presentations they want to make to USDOL. Even though comments are not due until September 25, preparing worthwhile submissions will take longer than one might think.