

Fifth Circuit Agrees To Expedite Appeal On Overtime Rule Injunction

December 9, 2016 | [Fair Labor Standards Act](#), [Labor And Employment](#)



**Koryn M.
McHone**
Of Counsel

The U.S. Court of Appeals for the Fifth Circuit has announced the briefing schedule in the overtime rule appeal being closely watched by both employers and employees alike. In November, U.S. District Judge Amos Mazzant of the U.S. District Court for the Eastern District of Texas [issued a nationwide preliminary injunction](#) blocking the Department of Labor's (DOL) overtime regulations that would have increased the salary threshold underlying the executive, administrative and professional exemptions. This injunction was issued just days before the Dec. 1 effective date. The DOL, in turn, filed an appeal in the matter and sought expedited briefing and oral argument before the Fifth Circuit Court of Appeals.

Under the Fifth Circuit's [Order](#), the briefing has been fast-tracked; the DOL is due to file its opening brief by Dec. 16, with any amicus groups wishing to file in support of the DOL having a deadline to file one week later. The states opposing the DOL's regulations must respond by Jan. 17, 2017, with any amicus briefs in support of their positions being filed by Jan. 24. The DOL's reply brief is then due by Jan. 31. Oral argument on the matter will be slated for the first available sitting after the completion of briefing. This schedule could take a turn in the days ahead, however, if the District Court issues a final judgment invalidating the DOL rule (for which a motion is currently pending before it), and the DOL appeals. In any event, these proceedings at both levels will be ones to watch closely as we enter into the new year.

RELATED PRACTICE AREAS

Labor and Employment
Wage and Hour

RELATED TOPICS

nationwide injunction
oral argument
Overtime Rules
Preliminary Injunction