

Fifth Circuit Expedites DOL's Appeal Involving Overtime Rule

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As described in more detail [here](#), 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.

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