

Wage and Hour Division (WHD)

Important information regarding recent overtime litigation in the U.S. District Court of Eastern District of Texas

On November 22, 2016, U.S. District Court Judge Amos Mazzant granted an Emergency Motion for Preliminary Injunction and thereby enjoined the Department of Labor from implementing and enforcing the Overtime Final Rule on December 1, 2016. The case was heard in the United States District Court, Eastern District of Texas, Sherman Division (*State of Nevada, et al. v. United States Department of Labor, et al.*, No. 4:16-CV-00731).

On December 1, 2016, the Department of Justice on behalf of the Department of Labor filed a notice to appeal the preliminary injunction to the U.S. Court of Appeals for the Fifth Circuit.

On June 30, 2017, the Department of Justice filed its reply brief with the Court. The case is now fully briefed (*State of Nevada, et al. v. United States Department of Labor, et al.*, No. 16-41606 (5th Cir.)).

On August 31, 2017, U.S. District Court Judge Amos Mazzant granted summary judgment against the Department in consolidated cases challenging the Overtime Final Rule published on May 23, 2016. The court held that the Final Rule's salary level exceeded the Department's authority, and concluded that the Final Rule is invalid. The case was heard in the United States District Court, Eastern District of Texas, Sherman Division (*State of Nevada, et al. v. United States Department of Labor, et al.*, No. 4:16-CV-00731).

Please note that the Department is still accepting comments on its [Request for Information \(RFI\)](#), published on July 26, 2017. The RFI comment period ends at 11:59pm on September 25, 2017.