

The Supreme Court - April 2, 2018

The Supreme Court of the United States issued two decisions today:

Encino Motorcars, LLC v. Navarro, No. 16-1362: The Fair Labor Standards Act (“FLSA”) requires that employers pay covered employees overtime compensation, but explicitly exempts “any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles” at a covered dealership from the overtime requirement. 29 U.S.C. §213(b)(10)(A). Here, a number of service advisors – employees who interact with customers and sell them services for their vehicles – brought a suit for failure to pay overtime against their employer Encino Motorcars, LLC, a Mercedes-Benz dealership. The District Court dismissed, holding that service advisors are exempt under §213(b)(10)(A). The Ninth Circuit reversed, deferring to the Department of Labor’s 2011 rule, but the Court vacated that judgment on the basis that because the 2011 rule was procedurally defective, the courts could not defer to it. On remand, the Ninth Circuit reached the same conclusion, this time holding that Congress did not intend to exempt service advisors from the overtime requirement. Today, the Court reversed, holding that service advisors are exempt from the FLSA’s overtime-pay requirement because they are “salesm[en] . . . primarily engaged in . . . servicing automobiles” under §213(b)(10)(A).

The Court’s decision is available [here](#).

Kisela v. Hughes, No. 17-467: Respondent Amy Hughes brought a Section 1983 suit against petitioner Andrew Kisela, a police officer. Kisela and other officers responded to a 911 call about a woman acting erratically with a knife. Less than a minute after they arrived, officers saw Hughes, who was holding a large kitchen knife, taking steps towards another woman standing nearby, and Hughes refused to drop the knife after two commands to do so. Kisela then shot Hughes four times, resulting in non-life-threatening injuries. The District Court granted summary judgment for Kisela, dismissing Hughes’s excessive force claim, but the Ninth Circuit reversed. The Court today reversed, holding that Kisela was entitled to qualified immunity because he did not violate a clearly established right – the right’s contours were not sufficiently definite that any reasonable

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official in Kisela's shoes would have understood he was violating it.

The Court's decision is available [here](#).

Today, the Supreme Court granted certiorari in the following case:

Stokeling v. United States, No. 17-5554: Is a state robbery offense that includes "as an element" the common law requirement of overcoming "victim resistance" categorically a "violent felony" under the only remaining definition of that term in the Armed Career Criminal Act, 18 U.S.C. §924(e)(2)(B)(i) (an offense that "has as an element the use, attempted use, or threatened use of physical force against the person of another"), if the offense has been specifically interpreted by state appellate courts to require only slight force to overcome resistance?