

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14466
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 21, 2008 THOMAS K. KAHN CLERK

D.C. Docket No. 06-80833-CV-DTKH

FIONA WHITE,
NORDIA GORDON,
individually and on behalf of
others similarly situated,

Plaintiffs–Appellants,

JEAN E. BARREAU,
et al.,

Plaintiffs,

versus

SENIOR HEALTH CARE SERVICES, INC.,
a Florida corporation formerly
known as Straw Consulting, Inc.,

Defendant–Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(March 21, 2008)

Before BIRCH, DUBINA and BARKETT, Circuit Judges.

PER CURIAM:

We find no error in the district court’s determination that the plaintiffs fall within the “companionship services” exemption to the Fair Labor Standards Act, 29 C.F.R. § 213(a)(15), because they conceded that—in the words of their opposition to the defendant’s motion for judgment on the pleadings—they “are companion services employees employed by [the defendant].” We do not find persuasive the plaintiffs’ attempt on appeal to qualify that and other similar statements as conceding only that the plaintiffs performed some companionship services, such that there might be an issue of fact as to whether they performed sufficient companionship services to fall within the Department of Labor’s definition of “companionship services.” See 29 C.F.R. § 552.6.

The judgment of the district court is therefore

AFFIRMED.