

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEPARTMENT OF LABOR,

Plaintiff,

v.

**AMERICARE HEALTHCARE
SERVICES, LLC, et al.,**

Defendants.

Case No. 2:21-cv-05076

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

OPINION AND ORDER

This matter is before the Court on Defendants Dilli Adhikari and Americare Healthcare Services, Inc.'s Motion for Oral Argument (ECF No. 92) and Amended Motion for Oral Argument (ECF No. 93). Plaintiff Department of Labor opposes that Motion. (ECF No. 95.) For the reasons below, the Motion (ECF No. 92) is **DENIED as moot** and the Amended Motion (ECF No. 93) is also **DENIED**.

Defendants request an oral argument on their motion for partial summary judgment. (ECF No. 77.) The Department of Labor also moved for summary judgment. (ECF No. 78.) Defendants argue that before issuing an opinion and order on the cross motions for summary judgment, the Court must first determine whether an interpretative rule made by the Department of Labor is valid and binding. (ECF No. 93, PageID 26476–77.) That rule, codified as 29 C.F.R. § 552.109(a), states that third-party employers engaged in companionship services are not exempt from paying overtime compensation under the Fair Labor Standards Act (FLSA). (*See* ECF No. 78.) Defendants challenge the authority of the Department of Labor to issue the interpretative rule and the amount of deference the agency interpretation is entitled to under the

major questions doctrine. (ECF No. 93.) These arguments, according to Defendants, are novel and complex and worthy of hearing at oral argument. (ECF No. 93, PageID 2678–79.)

The Department of Labor disagrees and submits that oral argument is unnecessary as the validity of the interpretative rule has already been litigated and upheld. (ECF No. 95.)

The Local Civil Rules presume that all motions will be determined without oral argument, unless specifically ordered by the Court. S.D. Ohio Civ. R. 7.1(a). A party may request oral argument if “oral argument is deemed to be essential to the fair resolution of the case because of its public importance or the complexity of the factual or legal issues presented.” S.D. Ohio Civ. R. 7.1(b)(2). Whether to grant or deny a request for oral argument is left to the sound discretion of the district court. *Murray v. Moyers*, No. 2:14-cv-02334, 2015 U.S. Dist. LEXIS 128742, at *1 n.1 (S.D. Ohio Sep. 24, 2015) (denying motion for oral argument); *Stolz v. J & B Steel Erectors, Inc.*, No. 1:14-cv-44, 2014 U.S. Dist. LEXIS 161685, at *1 n.1 (S.D. Ohio Nov. 18, 2014) (Black, J.) (finding oral argument unnecessary).

The Court concludes that oral argument is not essential to the fair resolution of the case. While the legal issues may be complex, Defendants’ motion for partial summary judgment, including all exhibits, is over 200 pages. (*See* ECF No. 77.) Considering the extensive briefing in this matter, oral argument is not necessary to decide the case. Therefore, Defendants’ Amended Motion Requesting Oral Argument (ECF No. 93) is **DENIED** and Defendants’ original Motion (ECF No. 92) is **DENIED as moot**.

This case remains open.

IT IS SO ORDERED.

4/2/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE