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Nikki R. Haley
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November 16, 2015

VIA ELECTRONIC MAIL

The Honorable Daniel E. Shearouse
South Carolina Supreme Court, Clerk of Court
P.O. Box 11330
Columbia, South Carolina 29211
dshearouse@sccourts.org

**RE: *Rest Assured, LLC v. S.C. Dept. of Emp. & Workforce*
Appellate Case No. 2014-002233**

Dear Clerk Shearouse:

The South Carolina Department of Employment & Workforce (DEW) is the Petitioner in the above-referenced case. Petitioner's Final Reply Brief was served on April 20, 2015. Oral argument has been scheduled by the Court for Tuesday, November 17, 2015. Respondent DEW hereby brings to the Court's attention supplemental authority. *See* Rule 208(b)(7), SCACR.

In the recent opinion of *Home Care Ass'n of Am. v. Weil*, 799 F.3d 1084 (D.C. Cir. 2015), decided August 21, 2015, the U.S. Court of Appeals for the D.C. Circuit upheld a new regulation that prevents third party employers of employees engaged in companionship services from availing themselves of the minimum wage and overtime exemption provided by the Fair Labor Standards Act (FLSA), at 29 U.S.C.A. § 213(a)(15). This authority is relevant to the FLSA argument presented by Respondent Rest Assured on p.22 of Respondent's Brief, and Respondent's citation to federal law, 29 U.S.C.A. § 213(a)(15).

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Debra S. Tedeschi
Deputy General Counsel

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