

**In the Supreme Court of the United States**

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No. 23-217

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E.M.D. SALES, INC., ET AL., PETITIONERS

v.

FAUSTINO SANCHEZ CARRERA, ET AL., RESPONDENTS

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**MOTION FOR LEAVE TO DISPENSE  
WITH PREPARATION OF A JOINT APPENDIX**

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Pursuant to Rule 26.8 of the Rules of this Court, petitioners respectfully seek leave to dispense with the requirement of a joint appendix in this case. I am authorized to state that counsel for respondents agrees that a joint appendix is not necessary.

The question presented in this case is a question of law: Whether the burden of proof that employers must satisfy to demonstrate the applicability of an FLSA exemption is a preponderance of the evidence or clear and convincing evidence. The opinions of the court of appeals and the district court are included in the appendix to the petition for a writ of certiorari. In petitioners' view, no other portion of the record merits special attention such that the preparation and expense of a joint appendix is warranted, and preparation of a joint appendix would not materially assist the Court's consideration of the case.

Respectfully submitted,

/s/ LISA S. BLATT

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