

May 25, 2012

Hon. William K. Suter  
Clerk of the Court  
Supreme Court of the United States  
1 First St., NE  
Washington, DC 20543

Re: No. 11-204, *Christopher v. SmithKline Beecham Corp.*

Dear General Suter,

I serve as counsel to the petitioners in this case, which involves the application of the Fair Labor Standards Act's "outside salesman" exemption to pharmaceutical detailers. A number of questions at oral argument addressed the application of the Act's "administrative exemption" to this class of employees. E.g., Tr. of Oral Arg 24, 39, 41-43, 49.

I am writing to advise the Court that the Seventh Circuit has recently held that pharmaceutical detailers employed by two pharmaceutical companies are exempted from overtime by the administrative exemption; the court acknowledged that its decision gives rise to a conflict with the Second Circuit. *Schaefer-LaRose v. Eli Lilly & Co.*, No. 10-3855, 2012 U.S. App. LEXIS 9300, 2012 WL 1592552 (May 8, 2012); *In re Novartis Wage & Hour Litigation*, 611 F.3d 141 (2d Cir. 2010).

The plaintiffs presently plan to file a petition for certiorari from the Seventh Circuit's decision.

I would be grateful if you would circulate this letter to the Justices.

Very truly yours,



Thomas C. Goldstein

cc: Paul Clement