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Clerk

Supreme Court of the United States

1 First Street, NE

Washington, D.C. 20002

Re: Mark Wilson v. Schlumberger Technology Corporation; No. 23-1077

Dear Sir or Madam:

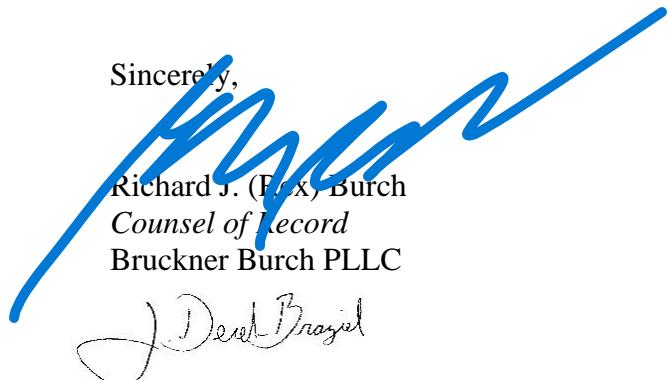
I am writing to alert the Court to a May 24, 2024, decision from the Fifth Circuit in *Gentry v. Hamilton-Ryker IT Sols., L.L.C.*, No. 22-40219, 2024 WL 2501690 (5th Cir. May 24, 2024). As discussed in Petitioner's opening brief, there is a circuit split of opinion concerning the use of the reasonable relationship test when assessing certain pay schemes under the Fair Labor Standards Act. This Court clarified this area of the law just last year in *Helix Energy Sols. Grp., Inc. v. Hewitt*, 598 U.S. 39, 143 S.Ct. 677, 214 L.Ed.2d 409 (2023). Petitioner believes the Tenth Circuit misinterpreted *Helix* in *Wilson*. The Fifth Circuit agrees.

In the enclosed decision, the Fifth Circuit plainly states that it believes the Tenth Circuit erred in *Wilson*. Petitioner seeks review to correct this error. Petitioner also seeks review because the *Wilson* decision creates an easily-remedied circuit split. As the Fifth Circuit explains, "To the extent our interpretation is in tension with the Tenth Circuit's recent decision in *Wilson v. Schlumberger Technology Corp.*, we respectfully believe the *Schlumberger* court overlooked a key aspect of *Helix*." The Court then goes on to identify how the *Wilson* court misinterpreted *Helix*. These are the same arguments Petitioner makes in its opening brief in support of granting review.

Because this very recent decision demonstrates a clear and continuing split of authority among the circuits, the Court should grant the Petition for Certiorari. This service was effected by depositing 10 copies of the decision from the Fifth Circuit in *Gentry v. Hamilton-Ryker IT Sols., L.L.C.*, No. 22-40219, 2024 WL 2501690 (5th Cir. May 24, 2024) via Hand Delivery, as well as by transmitting digital copies via electronic mail.

Sincerely,

Richard J. (F/x) Burch
Counsel of Record
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cc:

Via Email

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