

UNITED STATES COURT OF INTERNATIONAL TRADE

IN RE SECTION 301 CASES

**Before: Mark A. Barnett,
Claire R. Kelly and
Jennifer Choe-Groves, Judges
Court No. 21-00052**

ORDER

Notwithstanding the Preliminary Injunction and Temporary Restraining Order entered by this court on July 6, 2021 (ECF No. 330) (“Preliminary Injunction”), as amended, and recognizing the joint and separate status reports provided by Defendants and Plaintiffs (ECF Nos. 343, 345, 354, 355, 365, 393, 395, and 406), the joint status conferences held by the court (ECF Nos. 334, 350, 356, and 398), and the representations of the Parties made therein, it is hereby:

ORDERED that, in light of Defendants’ representation to the Court that it must accept the option to stipulate to refund any duties found to have been illegally collected for all Subject Entries (as that term is defined in the Preliminary Injunction), Defendants shall liquidate those entries in the ordinary course and, should the Court find that the List 3 and/or List 4A duties have been illegally collected, and should that decision become final and conclusive, including all appeals, Defendants shall reliquidate any Subject Entry in accordance with a final court decision in this case without the assessment of List 3 and List 4A duties or otherwise refund to Plaintiffs such duties, with interest, as provided by law. This Order shall

only apply to entries that were unliquidated at the time of the Preliminary Injunction, and to entries entered on or after July 6, 2021; it is further

ORDERED that the requirement for Defendants to establish a repository, as contained in the fifth **ORDERED** paragraph of the Preliminary Injunction, is hereby **VACATED**; and it is further

ORDERED that the Temporary Restraining Order issued in the eighth **ORDERED** paragraph of the Preliminary Injunction, as amended, is hereby **VACATED**.

This Order is without prejudice to the issue of whether, in the event the List 3 and/or List 4A duties are found to have been illegally collected, refunds will be limited to Plaintiffs in the Section 301 Cases that are the importers of record who paid the List 3 and/or List 4A duties.

/s/ Claire R. Kelly
Claire R. Kelly, Judge

/s/ Jennifer Choe-Groves
Jennifer Choe-Groves, Judge

Dated: Wednesday, September 8, 2021
New York, New York