

Proposed Amendments to Rule 89

Rule 89 is amended as follows:

Rule 89. Effective Date

~~(a) Effective Date of Original Rules.~~ **In General.** These rules shall **and any amendments** take effect on ~~November 1, 1980,~~ **at** the effective date of the Customs Courts Act of 1980. **time specified by the court.** They govern all: **(1) proceedings in actions a case** commenced thereafter and then pending, except to the extent that in the opinion of the court **after** their application **effective date; and (2) proceedings after that date in a case then pending unless: (A) the court specifies otherwise; or (B) the court determines that applying them** in a particular action pending when the rules take effect **case** would not be ~~feasible~~ **infeasible** or would work an injustice., in which event the former procedure applies. However, when a party is required or has been requested prior to the effective date of these rules to perform an act, pursuant to the Rules of the United States Customs Court in effect prior to the effective date of these rules, the act may still be performed in accordance with the rules in effect prior to the effective date of these rules.

~~(b) Effective Date of Amendments.~~ The amendments adopted by the court on November 4, 1981, shall take effect on January 1, 1982. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.

~~(c) Effective Date of Amendment. The amendment adopted by the court on December 29, 1982, shall take effect on January 1, 1983. It governs all proceedings in actions brought after it takes effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court its application in a particular action pending when the amendment takes effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(d) Effective Date of Amendments.~~

~~(1) The amendments adopted by the court on October 3, 1984, shall take effect on January 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except as provided for in paragraph (2) of this subdivision.~~

~~(2) (A) Rule 16 shall apply to all actions assigned on or after the effective date of these amendments and may apply to any action assigned before the effective date at the discretion of the judge to whom the action is assigned.~~

~~(B) As to pending actions, the amendments apply, except to the extent that in the opinion of the court their application would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(e) Effective Date of Amendments. The amendments adopted by the court on June 19, 1985, shall take effect on October 1, 1985. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(f) Effective Date of Amendments. The amendments adopted by the court on July 21, 1986, shall take effect on October 1, 1986. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(g) Effective Date of Amendments. The amendments adopted by the court on December 3, 1986, shall take effect on March 1, 1987. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(h) Effective Date of Amendments. The amendments adopted by the court on April 28, 1987, shall take effect on June 1, 1987. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(i) Effective Date of Amendments. The amendments adopted by the court on July 28, 1988, shall take effect on November 1, 1988. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular~~

~~action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(j) Effective Date of Amendments. The amendments adopted by the court on October 3, 1990, shall take effect on January 1, 1991. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(k) Effective Date of Amendments. The amendments adopted by the court on March 1, 1991, shall take effect on March 1, 1991. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(l) Effective Date of Amendments. The amendments adopted by the court on September 25, 1992, shall take effect on January 1, 1993. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(m) Effective Date of Amendments. The amendments adopted by the court on October 5, 1994, shall take effect on January 1, 1995. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then~~

~~pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(n) Effective Date of Amendments. The amendment to the court's Schedule of Fees adopted June 1, 1995 shall take effect on June 1, 1995. It shall govern all proceedings in actions brought after it takes effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court its application in a particular action pending when the amendment takes effect would not be feasible or would work injustice, in which event the former schedule applies.~~

~~(o) Effective Date of Amendments. The amendment to the court's Schedule of Fees adopted June 1, 1995 shall take effect on June 1, 1995. It shall govern all proceedings in actions brought after it takes effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court its application in a particular action pending when the amendment takes effect would not be feasible or would work injustice, in which event the former schedule applies.~~

~~(p) Effective Date of Amendments. The amendments adopted by the court on August 29, 1997 shall take effect on November 1, 1997. They govern all proceedings in actions brought after they take effect.~~

~~(q) Effective Date of Amendments. The amendments adopted by the court on November 14, 1997 shall take effect on January 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular~~

~~action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(r) Effective Date of Amendments. The amendments adopted by the court on March 25, 1998 shall take effect on July 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(s) Effective Date of Amendments. The amendments adopted by the court on May 27, 1998 shall take effect on September 1, 1998. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(t) Effective Date of Amendments. The amendments adopted by the court on January 25, 2000 shall take effect on May 1, 2000. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(u) Effective Date of Amendments. The amendments adopted by the court on August 29, 2000 shall take effect on January 1, 2001. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then~~

~~pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(v) Effective Date of Amendments.~~

~~(1) The amendments adopted by the court on December 18, 2001 shall take effect on April 1, 2002. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except as provided for in paragraph (2) of this subdivision, and except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(2) The amendments to Rule 26 shall apply to all pending actions on the effective date, except those commenced under 28 U.S.C. §1581(a) or (b) in which case the provisions of the Rule shall apply only to those actions in which a complaint is filed after the effective date.~~

~~(w) Effective Date of Amendments. The amendments adopted by the court on September 30, 2003 shall take effect on January 1, 2004. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(x) Effective Date of Amendments. The amendments adopted by the court on May 25, 2004 shall take effect on September 1, 2004. They govern all proceedings in~~

~~actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(y) Effective Date of Amendments. The amendments adopted by the court on September 28, 2004 shall take effect on January 1, 2005. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(z) Effective Date of Amendments. The amendments adopted by the court on March 29, 2005 shall take effect on October 1, 2005. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(aa) Effective Date of Amendments. The amendments adopted by the court on November 29, 2005 shall take effect on January 1, 2006. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(bb) Effective Date of Amendments. The amendments adopted by the court on March 21, 2006 shall take effect on April 10, 2006. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(bb) Effective Date of Amendments. The amendments adopted by the court on November 28, 2006 shall take effect on January 1, 2007. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

~~(dd) Effective Date of Amendments. The amendments adopted by the court on November 27, 2007 shall take effect on January 1, 2008. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent in the opinion of the court their application in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event the former procedure applies.~~

(Added Nov. 4, 1981, eff. Jan 1., 1982; and amended Dec. 29, 1982; eff. Jan. 1, 1983; Oct. 3, 1984, eff. Jan. 1, 1985; June 19, 1985, eff. Oct. 1, 1985; July 21, 1986, eff. Oct. 1, 1986; Dec. 3, 1986, eff. Mar. 1, 1987; Apr. 28, 1987; eff. June 1, 1987; July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Mar. 1, 1991, eff. Mar. 1, 1991; Sept. 25, 1992, eff. Jan. 1, 1993; Oct. 5, 1994, eff. Jan. 1, 1995; June 1, 1995, eff. June 1, 1995; Nov. 29, 1995, eff. Mar 31, 1996; Aug. 29, 1997, eff. Nov. 1, 1997; Nov. 14, 1997, eff. Jan. 1, 1998; Mar. 25, 1998, eff. July 1, 1998; May 27, 1998, eff. Sept. 1, 1998; Jan. 25, 2000, eff. May 1, 2000; Aug. 29, 2000, eff. Jan. 1, 2000; Dec. 18, 2001, eff. Apr. 1,

2002; Sept. 30, 2003, eff. Jan.1, 2004; May 25, 2004, eff. Sept. 1, 2004; Sept. 28, 2004, eff. Jan. 1, 2005; Mar. 29, 2005, eff. Oct. 1, 2005; Nov. 29, 2005, eff. Jan. 1, 2006; Mar. 21, 2006, eff. Apr. 10, 2006; Nov. 28, 2006, eff. Jan. 1, 2007; Nov. 27, 2007, eff. Jan 1. 2008; Nov. 25, 2008; eff. Jan. 1, 2009; Mar. 24, 2009, eff. May 1, 2009; ~~_____~~, **2009**, **eff. _____, 2010.**)

Advisory Committee Note

The language of Rule 89 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.