

UNITED STATES COURT OF INTERNATIONAL TRADE

FORM 9

Plaintiff[s], v. THE UNITED STATES, Defendant.

COURT NO[S]. ,[etc.][1]]

See attached Schedule[s][2]

Before: (Insert name of Judge if assigned)

Port[s]: [List applicable port[s] of entry][3]

STIPULATED JUDGMENT ON AGREED STATEMENT OF FACTS

[This action] [These actions], as prescribed by Rule 58.1 of the Rules of the United States Court of International Trade, [is] [are] stipulated for judgment on the following agreed statement of facts in which the parties agree that:

1. The protest[s] involved here [was] [were] filed and the action[s] involved here [was] [were] commenced within the time provided by law, and all liquidated duties, charges or exactions have been paid prior to the filing of the summons(es).

2. The imported merchandise covered by the [entry] [entries] set forth on Schedule ["A"] ["B"], [4] attached, consists of [(Describe imported merchandise. The description should be sufficiently specific to enable the Bureau of Customs and Border Protection to identify the stipulable articles. Appropriate general terms or inclusion of descriptions on Schedule may be used.)]

3. The imported merchandise was classified by the Bureau of Customs and Border Protection or its predecessor, U.S. Customs Service, as [(describe)] under [(insert pertinent tariff provision[s])] at the rate[s] of [(insert tariff rate[s])] [, depending upon the date of entry].[5]

4. The stipulable imported merchandise is classifiable as [(describe)] under [(insert pertinent tariff provision[s])] at the rate[s] of [(insert tariff rate[s])] [, depending upon the date of entry].[6]

5. The imported merchandise, covered by the entries set forth on the attached schedule, which have been marked with the letter[s] [{"A"}] [and] [{"B"}][7] and initialed ____ [8] by _____[9], of the Bureau of Customs and Border Protection, [10] is stipulable in accordance with this agreement.

6. Any refunds payable by reason of this judgment are to be paid with any interest provided for by law.

7. All other claims and non-stipulable entries[11] are abandoned.

Court No[s]. [insert
lead number [etc.]].
See attached Schedule[s]

Respectfully submitted,

By: _____
Attorney[s] for Plaintiff[s]
[(Insert name of firm, address &
telephone number)]

Assistant Attorney General
Civil Division

By: _____
[(Insert name of Attorney in Charge)]
Attorney in Charge
International Trade Field Office

By: _____
[(Insert name of applicable DOJ attorney)][12]
Dept. of Justice, Civil Division
Commercial Litigation Branch
26 Federal Plaza
New York, New York 10278
Tel.: (212) 264-9230
Attorneys for the United States

IT IS HEREBY ORDERED that [this action] [these actions] [is] [are] decided and this final judgment is to be entered by the Clerk of this Court; the appropriate Bureau of Customs and Border Protection officials shall [reliquidate the] [entry] [entries] [and][13] make refund in accordance with the stipulation of the parties set forth above.

Judge [insert name]

Date: _____

SCHEDULE [A] [B] TO STIPULATED JUDGMENT[14]

Port: [(insert port of entry)]

<u>File or</u>	<u>Court #</u>	<u>Protest #</u>	<u>Entry #</u>	<u>Description of</u>
<u>Assignment</u>				<u>Merchandise[15]</u>

(Date Summons Filed)[16]

ENDNOTES

Endnotes are for guidance in preparation of document and are not part of the final document. Material in brackets should be selected and/or modified depending on whether singular or plural text, et cetera, is applicable, and inserted into the text of the document; the brackets themselves are ordinarily not part of the final document.

1. If more than one case.

2. The Schedule should contain, the court number[s], the date[s] of the filing of the summons[es], the protest number[s] and the entry number[s]. The civil actions should be arranged in ascending order, and the name of the Judge assigned, and/or reserve or suspension file in which the case resides, should be set forth.

3. If more than one port of entry is covered by a single stipulated judgment ("stipulation") covering a civil action, separate pages of the schedule (see n. 2) should be used for listing each different port and its applicable entries and protests. Civil actions involving different ports of entry should not normally be combined on a single stipulation, since the need to consider the entries at the ports involved will usually delay the stipulation until all ports respond; in such instances, it is preferable that separate stipulations be prepared.

4. See n. 3.

5. If appropriate, as an addition or an alternative:

3. The imported merchandise was appraised by the Bureau of Customs and Border Protection or its predecessor, U.S. Customs Service, upon the basis of [(describe and insert statutory provision[s])] at a value of [(describe)].

The use of the term "Bureau of Customs and Border Protection" or its predecessor, "U.S. Customs Service," is preferable over any attempt to specify which agency took the action. Responsibility for the implementation of the court's judgment, as provided for later in the stipulation, now rests with the Bureau of Customs and Border Protection.

6. If appropriate, as an addition or an alternative:

4. Plaintiff claims that the imported merchandise should be appraised upon the basis of [(describe and insert statutory provision[s])] at a value of . . . (describe)].

7. Different letters should be used if the entries were previously marked on a different stipulation with the letter "A" or if the stipulation covers merchandise stipulated under more than one tariff provision and/or at different appraised values. More than one letter is required to distinguish merchandise stipulable under different provisions or at different appraised values.

8. Initials to be inserted by the Government.

9. See n. 8. Name of person to be inserted by the Government.

10. If appropriate, insert:

is the same [similar] in all material respects as the merchandise in
[(insert complete case citation)] and,

11. In the event the civil action[s] covered by the stipulation include[s] non-stipulable entries (e.g., no stipulable merchandise, untimely entries, increased duties not timely paid), such entries should be clearly marked with an asterisk [*] on each page on which they appear, including schedules, with the footnote: "*All claims arising from this entry are abandoned."

12. To be completed by either plaintiff's or defendant's counsel.

13. In most instances the parties will prefer that the refund be effectuated by having the entry[ies] reliquidated; in other instances the parties may agree that a refund should be made without the necessity of reliquidation.

14. See nn. 2 and 3.

15. [(See paragraph 2 of stipulated judgment and include if necessary. Otherwise omit.)]

16. To be inserted below each separate court number.

(As amended, eff. Jan. 1, 1982; Oct. 3, 1990, eff. Jan. 1, 1991; Sept. 30, 2003, eff. Jan. 1, 2004.)