UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE: HON. GREGORY W. CARMAN, CHIEF JUDGE

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ORLEANS INTERNATIONAL, INC.,

:

Plaintiff, :

v. : Consolidated Court No. 01-00576

UNITED STATES, :

Defendant. :

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ORDER

Upon consideration of plaintiff's motion for rehearing, defendant's response thereto, a conference with the parties, and all other papers and proceedings had herein, it is hereby:

ORDERED that plaintiff's motion for rehearing with regard to subject matter jurisdiction is DENIED;

ORDERED that the Court's decision in Slip Op. 02-49 and its Order, dated June 3, 2002, holding that the United States Court of International Trade does not possess subject matter jurisdiction pursuant to 28 U.S.C. §1581(i) over this case is AFFIRMED;

ORDERED that the Court's decision in Slip Op. 02-49 and its Order, dated June 3, 2002, is VACATED to the extent it denies plaintiff's motion to transfer this action to the district court and dismisses this action;

ORDERED that this Court, on the consent of the parties, RESERVES judgment at this time on plaintiff's motion to transfer this action to the district court; and it is further

ORDERED that this Court, on the consent of the parties, CERTIFIES pursuant to 28 U.S.C. §1292(d)(1) the following:

> This order includes a controlling question of law with respect to which there is a substantial ground for difference of opinion and that an immediate appeal from this order may materially advance the ultimate termination of this litigation. That question is:
>
> Whether the Court was correct in determining that the United States Court of International Trade does not possess subject matter jurisdiction pursuant to 28 U.S.C. §1581(i) over plaintiff's constitutional challenge to the beef assessments applied to plaintiff's imports of beef and beef products pursuant to the Beef Promotion and Research Act of 1985, 7 U.S.C. §§2901-11.

Gregory W. Carman, Chief Judge

Dated: This 27th day of August, 2002
New York, New York