

UNITED STATES COURT OF INTERNATIONAL TRADE

HAGGAR APPAREL COMPANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Before: MUSGRAVE, JUDGE
	:	
THE UNITED STATES,	:	Court No. 93-06-00343
	:	
Defendant.	:	

JUDGMENT

In *Haggar Apparel Co. v. United States*, 20 CIT 842, 938 F. Supp. 868 (1996) (DiCarlo, C.J.), the court entered judgment for the plaintiff, holding that it was entitled to a duty allowance on the subject merchandise under TSUS 807.00 and HTSUS 9802.00.80. *See* 20 CIT at 851, 938 F. Supp. at 875. That decision was affirmed by the Court of Appeals for the Federal Circuit. *See Haggar Apparel Co. v. United States*, 127 F.3d 1460, 1462 (Fed. Cir. 1997). Subsequently the Supreme Court vacated and remanded the Federal Circuit’s decision. *See United States v. Haggar Apparel Co.*, 526 U.S. 380, 395 (2000). On remand, the Federal Circuit held that

Customs’ determination that the pants at issue do not qualify for the partial exception from duty allowed by HTSUS 9802.00.80 (and, in prior years, TSUS 807.00) must be sustained. The Court of International Trade’s judgment to the contrary is accordingly reversed, and the case is remanded with instructions to enter judgment in favor of the United States.

Haggar Apparel Co. v. United States, 222 F.3d 1337, 1343-44 (Fed. Cir. 2000). Accordingly, it is hereby

ORDERED that the court's prior entry of judgment in favor of Hagar Apparel Company is withdrawn, and it is further

ORDERED that the United States Customs Service's determination that the apparel at issue does not qualify for the partial exception from duty allowed by TSUS 807.00 and HTSUS 9802.00.80 is sustained.

R. KENTON MUSGRAVE, JUDGE

Date: March 5, 2001
New York, New York