

UNITED STATES COURT OF INTERNATIONAL TRADE

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FUSONG JINLONG WOODEN GROUP	:	:
CO., LTD., ET AL.,	:	:
	:	:
Plaintiffs,	:	:
	:	:
YIHUA LIFESTYLE TECHNOLOGY	:	:
CO., LTD., ET AL.,	:	:
	:	:
Consolidated Plaintiffs,	:	:
	:	:
and	:	Before: Richard K. Eaton, Judge
	:	:
LUMBER LIQUIDATORS SERVICES,	:	Consol. Court No. 19-00144
LLC, ET AL.,	:	:
	:	:
Plaintiff-Intervenors,	:	:
v.	:	:
	:	:
UNITED STATES,	:	:
	:	:
Defendant,	:	:
	:	:
and	:	:
	:	:
AMERICAN MANUFACTURERS OF	:	:
MULTILAYERED WOOD FLOORING,	:	:
	:	:
Defendant-Intervenor.	:	:
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**ORDER**

Before the court is the motion of Defendant United States, on behalf of the Department of Commerce (“Commerce” or the “Department”), for reconsideration, ECF No. 120. Defendant’s motion follows the court’s decision in *Fusong Jinlong Wooden Grp. Co. v. United States*, 46 CIT \_\_\_, 617 F. Supp. 3d 1221 (2022) (“*Fusong I*”), which held that Commerce’s use of Senmao’s highest transaction-specific dumping margin as Sino-Maple’s adverse facts available rate was not

authorized by the statute. The court remanded the final results to Commerce with instructions to “reconsider the method used to select Sino-Maple’s [adverse facts available] rate to comply with the statute, 19 U.S.C. § 1677e(d).” *Id.*, 46 CIT at \_\_\_, 617 F. Supp. 3d at 1252. Defendant, by its motion, asks the court to find that Commerce’s method for selecting an adverse facts available rate was lawful.

Upon consideration of Defendant’s motion, and other papers and proceedings had herein, and upon due deliberation, it is hereby

**ORDERED** that Defendant’s motion is granted, and the court finds that Commerce’s method for selecting an adverse facts available rate for Sino-Maple was lawful; it is further

**ORDERED** that *Fusong I* is hereby partially vacated, only to the extent the court held that Commerce was prohibited from using Senmao’s highest transaction-specific dumping margin as Sino-Maple’s adverse facts available rate; and it is further

**ORDERED** that, because the court remanded Commerce’s final results solely on this point, the Department is relieved of the obligation to conduct a remand redetermination and file its results.

The court will issue a subsequent opinion deciding the issues upon which it previously reserved decision. *See id.*, 46 CIT at \_\_\_, 617 F. Supp. 3d at 1227 n.8.

/s/ Richard K. Eaton

Judge

Dated:           October 4, 2023  
                    New York, New York