

Proposed Amendments to Rule 81

Rule 81. Papers Filed; Conformity; Form, Size, Copies

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PRACTICE COMMENT: . . .

1. Published Opinions

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2. Internet Resources

The following guidelines ~~should be used~~ **apply** when ~~contemplating citing~~ Internet-based materials:

a. Whenever possible, avoid citing to the Internet-based version of material that is known to exist in a physical published version. This is most relevant to core legal resources including court decisions, statutes, regulations, and the Federal Register. This also applies to treatises, dictionaries, and other printed materials. ~~To provide a stable record of what was presented to the court, whenever possible cite to a printed version of the resource.~~

b. If the material exists in printed form and an exact copy is available online, the internet address can be provided as an aide to the Court.

c. Unpublished opinions of this Court can be cited by Slip. Op. number, page, and date.

~~b.d.~~ For unpublished opinions or orders from other courts, a LEXIS and/or WESTLAW, a correct and complete citation, if available, is sufficient. For government internet based materials, a complete citation, including the full internet address (e.g., the "Uniform Resource Locator" for a website) is sufficient. For other Internet based resources, if a printed version is not available for citation, print or otherwise capture the Internet based resource and attach it as an exhibit to the document in which it has been cited. **Where a LEXIS or WESTLAW citation is available, it is not necessary to attach a copy of the unpublished opinion.**

~~c.e.~~ If a published version is not available for citation, capture the Internet-based resource and attach it as an exhibit to the document in which it has been cited. Provide the URL and, optionally, the date last visited as, for example, "<last

visited June 16, 2025.” Where it is not possible or practical to capture the entire Internet-based resource, include the relevant portions with sufficient surrounding matter to provide context as an exhibit. ~~Where it is not possible or practical to print or capture the entire non-governmental Internet based resource, include the relevant portions in an exhibit to the document in which it has been cited.~~

d.f. In citations to any Internet-based materials, include the name of the author(s) (where applicable), the title of the ~~specific page~~ document being cited (underscores or in *italics*), ~~pagination if provided~~, the title of the website or other Internet-based resource, the date and time the material was posted (if available), and the full Internet address. ~~If the date and time are available for the referenced material, include a parenthetical stating when the material was “last updated” or “last modified” if that information is available, or last visited.~~

e.g. Documents filed in the Court’s CM/ECF system should include the document number. For example, “Plaintiff’s Motion For Partial Summary Judgment, ECF No. 22.” ~~For material available and readily accessible in printed form, an Internet citation may be provided as a parallel citation, introduced by “available at.”~~

f.h. ~~Citations to Internet based materials should point directly to the referenced document (i.e., provide a permanent link or “permalink”). Examples of citations to Internet-based materials follow.~~

- (i) U.S. Customs and Border Protection, NYRL N074904, 2 (Sep. 15, 2009), ~~available at~~ <http://rulings.cbp.gov/ny/2009/n074904.doc>.
- (ii) Int’l Trade Admin., Dep’t of Commerce, ~~Less-Than-Fair-Value Investigation of [INSERT PRODUCT] from [INSERT COUNTRY]: Request for Information~~, <https://access.trade.gov/Resources/questionnaires/20230905/q-inv-cvr-complete-quest-090523.pdf>. (Exhibit 2) ~~Less-Than-Fair-Value Investigation of [INSERT PRODUCT] from [INSERT COUNTRY]: Request for Information~~, <https://access.trade.gov/Resources/questionnaires/20230905/q-inv-cvr-complete-quest-090523.pdf> (Exhibit 2). ~~Market Economy Questionnaire, Section A, Organization, Accounting Practices, Markets and Merchandise, A 10 (June 18, 2010), <http://ia.ita.doc.gov/questionnaires/20100618/q-inv-sec-a>~~

061810.pdf.

- (iii) ~~Katherine Skiba, Obamas Honor Mexico at State Dinner, Chicago Tribune (May 19, 2010, 9:57 PM),~~
~~<http://www.chicagotribune.com/news/politics/obama/ct-met-obama-state-dinner-0520-20100519,0,5557697.story>~~ (attached as Exhibit 4)
Addison Wright, Efforts Underway to Restore Crumbling Site Where Abraham Lincoln Began His Political Rise, CHI TRIB. (Mar. 19, 2022 at 5:00 AM),
<https://www.chicagotribune.com/2025/03/22/abraham-lincoln-site/> (Updated Mar. 27, 2025 at 1:37 PM CDT) (Exhibit 3).
- (iv) ~~*How Hot is a Haberoero?*, Red Rock Farms,~~
~~<http://www.redrockfarms.info/howhot>~~ (last visited Nov. 1, 2010) (attached as Exhibit 2).
Sock Town, Why Buy Alpaca Socks?,
<http://www.socktown.com/-whybuy> (last visited Jun. 30, 2025) (Exhibit 4).
- (v) ~~Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations, 125 (1776),~~
~~[https:// en.wikisource.org/wiki/-](https://en.wikisource.org/wiki/The_Wealth_of_Nations)~~
~~The_Wealth_of_Nations~~ (“That the vineyard, when properly planted and brought to perfection was the most valuable part of the farm, seems to have been an undoubted maxim in the ancient agriculture....”) (Exhibit 5).

g. ~~Documents filed in the court’s CM/ECF system should include the document number. For example, Plaintiff’s Motion For Partial Summary Judgment 13, ECF No. 22.~~

For further rules of citation, reference may be made to **the most recent edition of The Bluebook: A Uniform System of Citation** (Columbia L. Rev. et al. ed., 19th ed. Harvard L. Rev. Ass’n 2010)[Bluebook]. For punctuation, capitalization, abbreviations, and other matters of style **additional information**, reference may be made to the U.S. Government Printing Office Style Manual. Assistance in citing recent decisions of this court may be obtained from the court’s **law library** ~~ian~~ (212) 264-2816.

* * * * *

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Nov. 29, 1995, eff. Mar. 31, 1996; May 1, 1998, eff. Sept. 1, 1998; Jan. 25, 2000, eff. May 1, 2000; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; May 25, 2004, eff. Sept. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009; March 24, 2009, eff. May 1, 2009; Dec. 7, 2010, eff. Jan. 1, 2011; Dec. 6, 2011, eff. Jan. 1, 2012; Dec. 4, 2012, eff. Jan. 1, 2013; Dec. 14, 2021, eff. Jan. 14, 2022; June 28, 2022, eff. Aug. 1, 2022; Dec. 13, 2022, eff. Jan. 23, 2023; _____, 2026, eff. _____, 2026.)

Proposed Amendments to Rule 83

Rule 83. Customs Case Management

* * * * *

(f) Motion for Test Case Designation. A party who intends that an action be designated a test case must: (1) consult with all other parties to the action in accordance with Rule 7(b); and (2) file with the court a motion requesting such designation or, in lieu of a motion, Form 25 when all parties consent to the terms of a designation. The motion for test case designation must include a statement that the party: (1) intends to actively prosecute such case once designated; and (2) has other actions pending before the court that involve the same significant question of law or fact as is involved in the test case and that it will promptly suspend under that case. In any instance in which the consent of all other parties has not been obtained, a non-consenting party must serve and file its response within 14 days after service of the motion for test case designation, setting forth its reasons for opposing.

* * * * *

PRACTICE COMMENT: Form 25 is intended to be used in lieu of a motion for test case designation when all parties consent to the terms of the designation. If any party opposes the designation, then regular motion practice should be followed pursuant to USCIT Rule 83(f). The Order for Test Case Designation shall be substantially in the form set forth in Form 25.

(As amended Oct. 3, 1984; eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993; Nov. 25, 2009, eff. Jan. 1, 2010; Dec. 7, 2010, eff. Jan. 1, 2011; Dec. 22, 2014, eff. Jan. 28, 2015; Sept. 19, 2017, eff. Oct. 23, 2017; _____, 2026, eff. _____, 2026.)

Proposed Amendments to Form 20

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL*United States Court of International Trade*

v.

COURT NUMBER:

TO:

YOU ARE COMMANDED to appear in the United States Court of International Trade at the place, date, and time specified below to testify in the above case. **When you arrive, you must remain at the court until the judge or a court officer allows you to leave.**

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*.

The following provisions of Rule 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (f), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, FIRM, ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Rule 45(a)(4).

PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45(c), (d), (e), and (f):

(c) Place of Compliance.

(1) For a Deposition. A subpoena may command a person to attend a deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person;

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person is a party or a party's officer; or

(C) at any place beyond the geographical limits of (A) or (B) that the court authorizes on motion and for good cause, if a federal statute so provides or when the interest of justice may require.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(3) For a Trial or Hearing. A subpoena may command a person to attend a trial or hearing at any place within the United States:

(A) if the person is a party or a party's officer; or

(B) if the person is neither a party nor a party's officer and the person would not incur substantial expense.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a

determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Contempt. The court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(As amended June 19, 1985, eff. Oct. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Sept. 25, 1992, eff. Jan. 1, 1993; Sept. 30, 2003, eff. Jan. 1, 2004; Mar. 23, 2021, eff. May 3, 2021; Dec. 14, 2021, eff. Jan. 14, 2022; Oct. 23, 2025, eff. Dec. 1, 2025; _____, eff. _____.)

Proposed New Form 20A
SUBPOENA TO TESTIFY AT A DEPOSITION

United States Court of International Trade

v.

COURT NUMBER:

TO:

Testimony: YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. ~~Any~~ If you are an organization, ~~that is subpoenaed for the taking of a deposition~~ you must promptly confer in good faith with the party serving this subpoena about the following matters set forth below, or those set forth in an attachment, and you ~~The organization~~ must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its ~~your~~ behalf, and may set forth, for each person designated, the matters on which the person will testify. **about these matters** (See Rule 30(b)(6)).:

PLACE OF DEPOSITION	DATE AND TIME
Identify the method of recording: _____	

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Rule 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (f), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, FIRM, ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS	

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Rule 45(a)(4).

(See Rule. 45(c), (d), (e), and (f))

PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45(c), (d), (e), and (f):

(c) Place of Compliance.

(1) For a Deposition. A subpoena may command a person to attend a deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person;

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person is a party or a party's officer; or

(C) at any place beyond the geographical limits of (A) or (B) that the court authorizes on motion and for good cause, if a federal statute so provides or when the interest of justice may require.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(3) For a Trial or Hearing. A subpoena may command a person to attend a trial or hearing at any place within the United States:

(A) if the person is a party or a party's officer; or

(B) if the person is neither a party nor a party's officer and the person would not incur substantial expense.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a

determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Contempt. The court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(As amended June 19, 1985, eff. Oct. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Sept. 25, 1992, eff. Jan. 1, 1993; Sept. 30, 2003, eff. Jan. 1, 2004; Mar. 23, 2021, eff. May 3, 2021; Dec. 14, 2021, eff. Jan. 14, 2022; Oct. 23, 2025, eff. Dec. 1, 2025; _____, eff. _____.)

Proposed New Form 20B

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES**

United States Court of International Trade

v.

: COURT NUMBER:

TO:

☐ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

PLACE	DATE AND TIME
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
-------	---------------

The following provisions of Rule 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (f), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, FIRM, ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS	

Notice to the person who issues or requests this subpoena

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PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

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Rule 45(c), (d), (e), and (f):

(c) Place of Compliance.

(1) For a Deposition. A subpoena may command a person to attend a deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person;

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person is a party or a party's officer; or

(C) at any place beyond the geographical limits of (A) or (B) that the court authorizes on motion and for good cause, if a federal statute so provides or when the interest of justice may require.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(3) For a Trial or Hearing. A subpoena may command a person to attend a trial or hearing at any place within the United States:

(A) if the person is a party or a party's officer; or

(B) if the person is neither a party nor a party's officer and the person would not incur substantial expense.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a

determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(f) Contempt. The court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(As amended June 19, 1985, eff. Oct. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Oct. 3, 1990, eff. Jan. 1, 1991; Sept. 25, 1992, eff. Jan. 1, 1993; Sept. 30, 2003, eff. Jan. 1, 2004; Mar. 23, 2021, eff. May 3, 2021; Dec. 14, 2021, eff. Jan. 14, 2022; Oct. 23, 2025, eff. Dec. 1, 2025; _____, eff. _____.)

Proposed New Form 25**UNITED STATES COURT OF INTERNATIONAL TRADE****FORM 25**

Plaintiff, v. Defendant.

**Court No.: [Court number that
will be test case]
And Attached Schedule**

**ORDER DESIGNATING TEST CASE
AND SUSPENDING ADDITIONAL CASES
UPON CONSENT**

Pursuant to Rule 83(e) and (f), the Court may designate a test case, selected from a number of other pending actions involving the same significant question of law or fact, that is intended to proceed first to a final determination and serve as a test of the right to recovery in the other actions.

Applicant, [applicant name], requests that [insert case name and court number] be designated as a test case, and that [insert case names and court numbers; attach a schedule if needed] be suspended thereunder. Designation as a test case is appropriate because the actions share the same significant question of law or fact and test case designation and suspension will facilitate the orderly disposition of the issue. The Parties have considered consolidation under Rule 42(a) and determined that it is not appropriate in this case. Applicant represents that the issue has been joined. Applicant intends to actively prosecute [insert case name and court number] once designated as a test case.

Counsel for Applicant has consulted with counsel for all parties in the referenced actions and all parties consent to the Applicant's request. Specifically, Applicant consulted with:

Counsel Name (Firm/Agency)	Party or Parties Represented	Court Number(s)	Date and Time of Consent

[Attach additional pages, if necessary]

The consent of the United States is based upon the representation of [Applicant] that the identified test case involves the same significant question of law or fact as the cases to be suspended. The United States has not, at the time of the filing of this form, confirmed its position as to whether this Court possesses jurisdiction over the cases to be suspended.¹

Respectfully submitted,

Attorney[s] for [party name]

*[Insert name of firm, address, telephone
number, e-mail]*

Accordingly, it is hereby

ORDERED that [*intended test case name and court number*] is designated as a test case; and it is further

ORDERED that the actions listed in the attached schedule shall be [or, are] suspended thereunder.

DATED: _____
New York, New York

Judge

ENDNOTES

¹ At the time of a request for a test case/suspension designation, the understanding by counsel for the Government of the questions of law or fact of the test case and cases to be suspended is generally limited to the information reflected in the pleadings and the documents comprising the administrative protest and entry papers. Consequently, the consent of the United States to test case/suspension designation is based on the representations from plaintiff in making the request. Also, typically at the time of a request for test case/suspension designation, counsel for the Government has not conducted a review or analysis of the alleged basis for the Court's jurisdiction over the matters.

SPECIFIC INSTRUCTIONS – FORM 25

Proposed New Specific Instructions – Form 25

Form 25

Form 25 is intended to be used in lieu of motions for test case designation when all parties consent to the terms of the designation. If any party opposes the designation, then regular motion practice should be followed pursuant to USCIT Rule 83(f). The Order for Test Case Designation shall be substantially in the form set forth in Form 25.

(As added _____, 2026, eff. _____, 2026.)