

**Rule 80. Papers, Exhibits, and other Material**

(a) Custody and Control. All papers, exhibits and other material filed with or transmitted to the court must be retained by the clerk of the court, under the clerk's custody and control except when required by the court. When requested by an attorney for a party, papers, exhibits and other material may be transmitted by the clerk to an appropriate customs officer. Notice of the request must be given to all other parties by the party filing the request.

(b) Inspection. Any person may inspect all papers, exhibits and other material in a case except where restricted by statute or by court order. Unless otherwise directed by the court, entry papers, invoices and laboratory reports will be available only to the party to whose merchandise the papers, invoices and reports relate, or to the attorney of record for that party, or to an attorney for the United States, or an officer of United States Customs and Border Protection.

(c) Withdrawal of Papers, Exhibits, and Other Materials.

(1) Any person may withdraw the papers, exhibits and other material, which that person is authorized to inspect as prescribed in subdivision (b) of this rule, to a designated place in the court. The papers, exhibits and other material must be returned to the office of the clerk no later than the close of business on the day of withdrawal. On request of a party, the clerk may permit papers, exhibits and other material to be withdrawn to a designated place in the offices of the Attorney-in-Charge, International Trade Field Office, Commercial Litigation Branch, Department of Justice, for not more than 30 days, provided that they must be returned immediately to the office of the clerk on notice from the clerk.

(2) Whenever any person withdraws papers, exhibits and other material, that person must sign and leave with the clerk a receipt describing what has been withdrawn.

(d) Return and Removal. When a judgment or order of the court has become final, papers, exhibits, and other material transmitted to the court pursuant to 28 U.S.C. § 2635, must be returned by the clerk, together with a copy of the judgment or order, to the agency from which they were transmitted. All exhibits must be removed from the custody of the clerk by the party who filed them within 60 days after the judgment or order of the court has become final. A party who fails to comply with this requirement must be notified by the clerk that, if the exhibits are not removed within 30 days after the date of the notice, the clerk may dispose of them as the clerk may see fit. Any expense or cost pertaining to the removal of exhibits as prescribed by this rule must be borne by the party who filed them.

(e) Reporting of Proceedings. Each session of the court and every other proceeding designated by court order must be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, as prescribed by regulations promulgated by the Judicial Conference of the United States and subject to the discretion and approval of the judge. Proceedings to be recorded include: all proceedings in open court unless the parties, with the approval of the judge, agree specifically to the contrary; and such other proceedings as a judge may direct, or as may be required by rule or court order, or as may be requested by any party to the proceeding. The court reporter or other individual designated to produce the record must attach an official certificate to the original shorthand notes or other original records

so taken and promptly file them with the clerk of the court who must preserve them in the public records of the court for not less than 10 years.

(f) Transcript of Proceedings. The court reporter or other individual designated to produce the record must transcribe and certify such parts of the record of proceedings as may be required by rule or court order or direction of a judge. On the request of any party to the proceeding which has been so recorded, who has agreed to pay the fee, or of a judge of the court, the court reporter or other individual designated to produce the record must promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript an official certificate, and deliver the certified transcript to the clerk of the court for the public records of the court. The certified transcript in the Office of the Clerk must be open during office hours to inspection by any person without charge, except where restricted by statute or court order.

(g) Fees. Except as otherwise provided by the rules, the clerk must collect in advance from the parties such fees for services as are consistent with the "Judicial Conference Schedule of Additional Fees for the United States District Courts."

(1) Reproductions. Reproductions of original records may be given to any person who is authorized to inspect original records as prescribed in subdivision (b) of this rule.

(2) Transcripts. The clerk of the court may require any party requesting a transcript to prepay the estimated fee in advance except for transcripts that are to be paid for by the United States.

(h) Physical Exhibits or Items.

(1) An identical copy of any physical exhibit or item filed with or transmitted to the Court by a party, except for items transmitted pursuant to USCIT R. 73.1, must be served upon the other parties except in instances where:

(A) The exhibit or item is unique and an identical or substantially identical copy of the exhibit or item cannot be served upon the other parties;

(B) An identical or substantially identical copy of the exhibit or item was served during discovery;

(C) The parties have agreed that service is not necessary; or

(D) By order of the court.

(2) When an exhibit or item is filed under this rule with the court, a completed Certification of Filing and Service of Physical Exhibit substantially in conformity with Form 23 in the Appendix of Forms also must be filed.

**PRACTICE COMMENT:** From time to time, the Judicial Conference of the United States establishes fees for services performed by the clerk. The rates applicable at any time are available upon request from, and are posted in the Office of the Clerk.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; Dec. 29, 1982, eff. Jan. 1, 1983; July 28, 1988, eff. Nov. 1, 1988; Nov. 25, 2008, eff. Jan. 1, 2009; Sept. 21, 2016, eff. Oct. 3, 2016.)