

# RULES OF THE UNITED STATES COURT OF INTERNATIONAL TRADE

*(Effective November 1, 1980, as amended to January 5, 1999)*

	Rule		
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Rule			
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## Rule

- (m) Effective Date of Amendments.
- (n) Effective Date of Amendment.
- (o) Effective Date of Amendments.
- (p) Effective Date of Amendments.
- (q) Effective Date of Amendments.
- (r) Effective Date of Amendments.
- (s) Effective Date of Amendments.

## APPENDIX OF FORMS

TITLE I—SCOPE OF RULES—ONE FORM OF  
ACTION**Rule 1. Scope of Rules**

These rules govern the procedure in the United States Court of International Trade. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. When a procedural question arises which is not covered by these rules, the court may prescribe the procedure to be followed in any manner not inconsistent with these rules. The court may refer for guidance to the rules of other courts. The rules shall not be construed to extend or limit the jurisdiction of the court.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Oct. 5, 1994, eff. Jan. 1, 1995.)

**Rule 2. One Form of Action**

There shall be one form of action to be known as a "civil action."<sup>1</sup>

TITLE II—COMMENCEMENT OF ACTION;  
AMENDMENT OF SUMMONS; SERVICE OF  
SUMMONS, PLEADINGS, MOTIONS AND  
ORDERS**Rule 3. Commencement of Action**

(a) Commencement. A civil action is commenced by filing with the clerk of the court:

(1) A summons in an action described in 28 U.S.C. §1581(a) or (b);

(2) A summons, and within 30 days thereafter a complaint, in an action described in 28 U.S.C. §1581(c) to contest a determination listed in section 516A(a)(2) or (3) of the Tariff Act of 1930; or

(3) A summons and complaint concurrently in all other actions.

(b) Filing Fee. When an action is commenced, a \$150 filing fee shall be paid to the clerk of the court, except that

(1) a \$120 filing fee shall be paid when the action is one described in 28 U.S.C. §1581(a), and

(2) a \$25 filing fee shall be paid when the action is one described in 28 U.S.C. §1581(d)(1).

(c) Complaint Fee. When a complaint is filed in an action described in 28 U.S.C. §1581(a), a \$30 fee shall be paid to the clerk of the court.

(d) Information Statement. When an action is commenced, the party commencing the action shall file the original and one copy of a completed Information Statement on the form shown in Form 5 in the Appendix of Forms.

(e) Amendment of Summons. The court may allow a summons to be amended at any time, in its discretion and upon such terms as it deems just, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the amendment is allowed.

(f) Notice to Interested Parties. In an action described in 28 U.S.C. §1581(c), the plaintiff, as provided in section 516A(d) of the Tariff Act of 1930, shall notify every interested party who was a party to the administrative proceeding of the commencement of the action, by mailing a copy of the summons at the time the action is commenced, or promptly thereafter, by certified or registered mail, return receipt requested, to each such party at the address last known in the administrative proceeding.

Upon filing of a complaint in an action described in 28 U.S.C. §1581(c), the plaintiff shall promptly serve a copy of the complaint, by certified or registered mail, return receipt requested, on every interested party who was a party to the administrative proceeding at the address last known in that proceeding.

(g) Precedence of Action. Unless the court, upon motion for good cause or upon its own initiative, determines otherwise in a particular action, the following actions shall be given precedence, in the following order, over other actions pending before the court, and expedited in every way:

(1) An action seeking temporary or preliminary injunctive relief;

(2) An action involving the exclusion of perishable merchandise or the redelivery of such merchandise;

(3) An action described in 28 U.S.C. §1581(c) to contest a determination under section 516A of the Tariff Act of 1930;

(4) An action described in 28 U.S.C. §1581(a) to contest the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930, involving the exclusion or redelivery of merchandise;

(5) An action described in 28 U.S.C. §1581(b) to contest a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930.

(h) Special Rule for Actions Described in 28 U.S.C. §1581(c). When an action is commenced under 28 U.S.C. §1581(c) to contest a determination listed in section 516A(a)(2) or (3) of the Tariff Act of 1930 by the administering authority and such a determination by the Commission, a party shall file a separate summons and complaint with respect to each agency.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; July 21, 1986, eff. Oct. 1, 1986; Dec. 3, 1986, eff. Mar. 1, 1987; Sept. 25, 1992, eff. Jan. 1, 1993; Nov. 29, 1995, eff. Mar. 31, 1996; Aug. 29, 1997, eff. Nov. 1, 1997; May 27, 1998, eff. Sept. 1, 1998.)

## PRACTICE COMMENT

For the appropriate summons form and number of copies to be filed, refer to Forms 1 to 4 of the Appendix

<sup>1</sup>Designation of Certain Pre-October 1, 1970 Actions. The following designations shall apply to actions arising prior to October 1, 1970: (1) Appeal for Reappraisal: An action arising pursuant to section 501 or 516(a) of the Tariff Act of 1930 [19 U.S.C. 1501 or 1516], as effective prior to October 1, 1970, and forwarded to the court pursuant to section 501 or 516(c) of said Act, shall be known as an appeal for reappraisal. (2) Protest: An action arising pursuant to section 514 or 516(b) of the Tariff Act of 1930 [19 U.S.C. 1514 or 1516], as effective prior to October 1, 1970, and forwarded to the court pursuant to section 515 or 516(c) of that Act [19 U.S.C. 1515 or 1516] shall be known as a protest.