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UNITED STATES COURT OF INTERNATIONAL TRADE

BEFORE THE HONORABLE TIMOTHY C. STANCEU, CHIEF JUDGE

PRIMESOURCE BUILDING PRODUCTS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE UNITED STATES, DONALD J. TRUMP, IN HIS	)	
OFFICIAL CAPACITY AS PRESIDENT OF THE	)	
UNITED STATES; WILBUR L. ROSS, JR., IN HIS	)	Ct. No. 20-00032
OFFICIAL CAPACITY AS UNITED STATES	)	
SECRETARY OF COMMERCE; UNITED STATES	)	
DEPARTMENT OF COMMERCE; MARK A.	)	
MORGAN, IN HIS OFFICIAL CAPACITY AS ACTING	)	
COMMISSIONER, UNITED STATES CUSTOMS AND	)	
BORDER PROTECTION; UNITED STATES	)	
CUSTOMS AND BORDER PROTECTION,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff PrimeSource Building Products, Inc., has moved for a temporary restraining order and a preliminary injunction. The parties have subsequently represented to the Court that they have reached agreement on the terms of a proposed injunctive order that could be entered upon consent, without the defendants admitting that the plaintiff has demonstrated a likelihood of success on the merits, and which would obviate the need for the Court to decide the merits of the pending motions. Plaintiff has further indicated that it seeks leave to withdraw its pending motions to permit the Court to enter the parties’ joint proposed order.

The parties have further represented that, in light of this agreement, they each waive their respective procedural rights to a preliminary injunction hearing and defendants waive their right

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to respond to the pending motions. In light of the parties' subsequent agreement on the terms of an order and request that the Court enter such order, it is hereby ORDERED

That the pending application for a temporary restraining order and motion for preliminary injunction dated February 12, 2020 is ORDERED WITHDRAWN;

That, by consent of the parties, the following order is ENTERED:

ORDERED that United States Customs and Border Protection (CBP) is enjoined from collecting duty deposits due pursuant to Proclamation 9980 of January 24, 2020: Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States, 85 Fed. Reg. 5281 (January 29, 2020), on entries filed by PrimeSource Building Products Inc. on or after 12:01 am February 8, 2020, excluding any entry filed after on or after February 8, 2020 but before CBP implements this Order that PrimeSource is unable to or does not correct within the 10-day period set forth in 19 C.F.R. 142.12 to remove the Section 232 deposit;

ORDERED that the United States is enjoined from liquidating entries filed by PrimeSource Building Products, Inc. of articles subject to Proclamation 9980;

ORDERED that PrimeSource Building Products, Inc. shall, within 5 business days of the date of this Order terminate its existing continuous bond and replace it with a continuous bond with a total limit of liability [REDACTED] to reflect the additional Section 232 duties PrimeSource anticipates it would otherwise have had to deposit over the next prospective six month period, based on the estimate provided in Confidential Ex. 2 to PrimeSource's Complaint;

ORDERED that the United States and PrimeSource Building Products, Inc., shall confer prior to the expiry of this initial, and each subsequent, six month period while this Order is in effect, and review the Section 232 duty deposits foregone and PrimeSource's estimated imports over the next six-month period and that Prime Source shall further increase the limit of liability of

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its continuous bond to reflect the parties' agreement as to the additional Section 232 duties that would be owed during that subsequent six-month period.

ORDERED that should CBP determine that PrimeSource's imports are in excess of PrimeSource's projections, CBP may seek leave of the Court to require additional security as permitted by applicable law.

It is further ORDERED that this order is effective immediately and continues in effect until judgment is entered, or until it is otherwise modified or dissolved by the Court.

SO ORDERED.

/s/ Timothy C. Stanceu  
Chief Judge

Dated: February 13, 2020  
New York, New York