

SPECIFIC INSTRUCTIONS - FORM 1

Form 1

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(a).

The summons must be filed together with a \$150 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

The summons form (copies of which may be obtained from the office of the clerk) consists of three pages. The first page is to be completed with the required information pertaining to the denied protest. The second page is to be completed with the required information pertaining to the administrative decision contested in the action. The third page is to be completed with a schedule of protests, listed in numerical order, when more than one denied protest is included in the action.

When the action includes protests denied at one port of entry, the original and four copies of the summons must be filed. When the action includes protests denied at more than one port of entry, an additional copy of the summons must be filed at the same time for the protests denied at each such additional port of entry.

(As amended July 23, 1993, eff. July 23, 1993; Nov. 29, 2005, eff. Jan. 1, 2006.)

SPECIFIC INSTRUCTIONS - FORM 1A

Form 1A

A Notice of Lawsuit and Request for Waiver of Service of Summons which, as previously prescribed by Rule 4(d), shall be addressed directly to a defendant and sent by first-class mail or other reliable means. The defendant shall be allowed a reasonable period of time to return the waiver (Form 1B).

Plaintiff shall provide the defendant with a stamped and addressed return envelope. Plaintiff also shall provide the defendant with a copy of the waiver for defendant's records.

Upon receipt of the signed waiver, plaintiff shall file the waiver with the court.

If the waiver is timely returned by the defendant, that defendant, if located within any judicial district in the United States, is not required to serve an answer until 60 days after the date on which the request for the waiver was sent.

(Added Oct. 5, 1994, eff. Jan. 1, 1995.)

SPECIFIC INSTRUCTIONS - FORM 1B

Form 1B

A Waiver of Service of Summons which, as prescribed in Rule 4(d), shall be returned to a plaintiff who has requested a defendant to waive service.

If a defendant, after being notified on an action and asked to waive service fails to do so, that defendant will be required to bear the cost of service unless good cause can be shown for its failure to sign and return the waiver.

If the waiver is timely returned by the defendant, that defendant, if located within any judicial district of the United States, is not required to serve an answer until 60 days after the date on which the request for the waiver was sent.

(Added October 5, 1994, eff. Jan. 1, 1995.)

SPECIFIC INSTRUCTIONS - FORM 2

Form 2

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(b).

The summons must be filed together with a \$350 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

The summons form (copies of which may be obtained from the office of the clerk) consists of two pages. The first page is to be completed with the required information pertaining to the entry involved in the action. The second page is to be completed with the required information pertaining to the administrative decisions contested in the action.

When one action includes entries involving one consignee and one port of entry, the original and five copies of the summons must be filed. When the action includes entries involving more than one consignee or more than one port of entry, an additional copy of the summons must be filed at the same time for each such additional consignee and each such additional port of entry.

(As amended July 23, 1993, eff. July 23, 1993; December 18, 2001, eff. April 1, 2002; Nov. 29, 2005, eff. Jan. 1, 2006; Mar. 21, 2006, eff. Apr. 10, 2006.)

SPECIFIC INSTRUCTIONS - FORM 3

Form 3

This form of summons is to be used only in those actions described in 28 U.S.C. § 1581(c). It is to be used both: (1) when the action is commenced by filing a summons only (i.e., to contest a determination listed in section 516A(a)(2) or (3) of the Tariff Act of 1930; and (2) when the action is commenced by filing concurrently a summons and a complaint (i.e., to contest a determination listed in section 516A(a)(1) of the Tariff Act of 1930).

The summons must be filed with a \$350 filing fee, a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13).

When the clerk of the court is required to make service of the summons (i.e., those actions commenced by filing a summons only), the original and one copy of the summons must be filed with an additional copy for each defendant to be served; and the back of the summons must list the complete name and mailing address of each defendant to be served.

When the plaintiff is required to make service of the summons (i.e., those actions commenced by filing concurrently a summons and a complaint), the original and one copy of the summons must be filed with proof of service. Before making service of the summons, plaintiff must obtain a court number from the office of the clerk and endorse the number on the summons. For this purpose, a court number may be assigned to the action and obtained by telephone request, but in no event shall a court number be obtained from the office of the clerk more than 24 hours prior to the service of the summons.

(As amended July 21, 1986, eff. Oct. 1, 1986; July 23, 1993, eff. July 23, 1993; Aug. 29, 2000, eff. Jan. 1, 2001; Nov. 29, 2005, eff. Jan. 1, 2006; Mar. 21, 2006, eff. Apr. 10, 2006.)

SPECIFIC INSTRUCTIONS - FORM 4

Form 4

This form of summons is to be used in all actions other than those actions in which the form of summons to be used is Form 1, 2, or 3.

The original and one copy of the summons must be filed with proof of service, a \$350 filing fee, except that a \$25 filing fee shall be paid when the action is one described in 28 U.S.C. § 1581(d)(1), a completed Information Statement (Form 5), and a completed Disclosure of Corporate Affiliation and Financial Interest (Form 13). Before making service of the summons, plaintiff must obtain a court number from the office of the clerk and endorse the number on the summons. For this purpose, a court number may be assigned to the action and obtained by telephone request, but in no event shall a court number be obtained from the office of the clerk more than 24 hours prior to the service of the summons.

(As amended July 23, 1993, eff. July 23, 1993; December 18, 2001, eff. April 1, 2002; Nov. 29, 2005, eff. Jan. 1, 2006; Mar. 21, 2006, eff. Apr. 10, 2006.)

SPECIFIC INSTRUCTIONS - FORM 5

Form 5

The Information Statement, which must be filed when an action is commenced, is a form available from the office of the clerk. The original and a sufficient number of copies for service (when service is to be made by the office of the clerk) of the completed Information Statement must be filed.

(As amended Aug. 29, 2000, eff. Jan. 1, 2001; Nov. 29, 2005, eff. Jan. 1, 2006.)

SPECIFIC INSTRUCTIONS - FORM 6

Form 6

The original and one copy of a Request for Trial must be filed after service as prescribed in Rule 40(a).

After receipt of a Request for Trial and any opposition to the request, the court will designate the date and place for trial. As prescribed in Rule 77(c), the judge to whom the action is assigned will designate the date of the trial to be held at, or continued to, New York City; and the chief judge will designate the place and date of the trial to be held at, or continued to, any place other than New York City.

After receipt of a request for a trial at a place other than New York City and any opposition to the request, the chief judge may issue an order. The order, which will set the place and date of, and designate a judge to preside at, the trial will be issued to the parties by the clerk of the court at least 15 days before the scheduled date, or such shorter time as the chief judge may deem reasonable.

(As amended July 23, 1993, eff. July 23, 1993.)

SPECIFIC INSTRUCTIONS - FORM 7

Form 7

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A)(i), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7, and must include for each action noticed for dismissal: the court number; and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.

A Notice of Dismissal may include, on an attached schedule, more than one action.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr. 1, 2002; Aug. 2, 2010, eff. Sept. 1, 2010.)

SPECIFIC INSTRUCTIONS - FORM 7A

Form 7A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A)(i), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7A, and must include for each action noticed for dismissal the court number and the name of the plaintiff.

(As added Dec. 18, 2001, eff. Apr. 1, 2002; Aug. 2, 2010, eff. Sept. 1, 2010.)

SPECIFIC INSTRUCTIONS - FORM 8

Form 8

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(A)(ii), may be filed by plaintiff, must be substantially in the form set forth in Form 8, and must include for each action stipulated for dismissal: the court number; and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.

A Stipulation of Dismissal may include, on an attached schedule, more than one action.

(As amended July 23, 1993, eff. July 23, 1993; Dec. 18, 2001, eff. Apr.1, 2002; Aug. 2, 2010, eff. Sept. 1, 2010.)

SPECIFIC INSTRUCTIONS - FORM 8A

Form 8A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(A)(ii), may be filed by plaintiff, must be substantially in the form set forth in Form 8A, and must include for each action stipulated for dismissal the court number and the name of the plaintiff.

(As added Dec. 18, 2001, eff. Apr. 1, 2002; amended Aug. 2, 2010, eff. Sept. 1, 2010.)

SPECIFIC INSTRUCTIONS - FORM 9

Form 9

As prescribed in Rule 58.1, an action described in 28 U.S.C. § 1581 (a) or (b) may be stipulated for judgment on an agreed statement of facts.

The proposed stipulated judgment on agreed statement of facts shall be substantially in the form set forth in Form 9, with appropriate additions and deletions if the action does not involve valuation or classification. The proposed stipulated judgment on agreed statement of facts shall be filled out in accordance with the Endnotes found following Form 9.

(Added July 23, 1993, eff. July 23, 1993; amended Mar. 25, 1998, eff. July 1, 1998)

SPECIFIC INSTRUCTIONS - FORM 10

Form 10

An Application for Admission to Practice which, as prescribed by Rule 74(b)(1), must be completed and filed with the clerk of the court. The application must be on Form 10, which can be obtained from the Office of the Clerk of the Court. The application must include the name, the residential and office address of the applicant, and the name and address of the applicant's employer, among other essential contact information. Additionally, the application must include information pertaining to the applicant's bar admissions, good standing, and suspension and disbarment proceedings, if any.

An application may be made by (1) written motion or (2) oral motion. When the application is made upon written motion, it must be accompanied by a certificate of a judge or a clerk of any of the courts specified in Rule 74(a). The certificate must have been issued no earlier than 90 days prior to the date of the application and must state that the applicant is a member in good standing of the bar of that court.

When the application is made upon oral motion, the applicant must file the statement of the sponsoring attorney, who is a member of the bar of this court or of the bar of the Supreme Court of the United States. In addition, if the sponsoring attorney has known the applicant for less than one year, the applicant must include a certificate of a judge or a clerk of any of the courts specified in Rule 74(a), which was issued no earlier than 90 days prior to the date of the application and which must state that the applicant is a member in good standing of the bar of that court. When the application is made by oral motion, the attorney is not admitted to the Court until the oath specified in Rule 74(a) is administered. The applicant is required to sign a declaration, under penalties of perjury, that the statements made by the applicant are true and correct.

(As amended July 23, 1993, eff. July 23, 1993; Mar. 25, 1998, eff. July 1, 1998; Nov. 29, 2005, eff. Jan. 1, 2006; Nov. 28, 2006, eff. Jan. 1, 2007; Nov. 25, 2008, eff. Jan. 1, 2009.)

Form 11

A Notice of Appearance, as prescribed by Rule 75(b)(2), must be filed and served by an attorney authorized to appear in the action. The attorney must file and serve a notice for each action. The notice must be filed and served in all instances except those specified in Rule 75(b)(1). The notice should be substantially in the form set forth in Form 11.

An appearance may be made by an individual attorney or by a firm of attorneys. If an appearance is made by a firm of attorneys, the individual attorney responsible for the litigation must be designated. In addition, private attorneys and government attorneys whose agency is represented by the Department of Justice may appear as "of counsel." The notice should include the name of the attorney, the attorney's e-mail address, and the name, address and telephone number of the firm.

Whenever there is any change in the name of an attorney of record or in the attorney's address, telephone number, or e-mail address, a new notice of appearance for each action must be promptly filed and served on the other parties and filed with the court. The notice should be substantially in the form as set forth in Form 11.

(Added July 23, 1993, eff. July 23, 1993; amended, Dec. 7, 2010, eff. Jan. 1, 2011; Dec. 4, 2012, eff. Jan. 1, 2013.)

SPECIFIC INSTRUCTIONS - FORM 12

Form 12

A Notice of Substitution of Attorney which, as prescribed by Rule 75(c), must be served by the party desiring to substitute an attorney. The service must be to the prior attorney of record and to all other parties. The notice shall be substantially in the form set forth in Form 12.

The notice should include the name of the substituted attorney, the prior attorney of record, and shall be signed by the substituting party. The notice also shall include a notice of appearance by the substituted attorney.

(As added July 23, 1993, eff. July 23, 1993.)

Form 13

A Disclosure of Corporate Affiliation and Financial Interest which, as prescribed by 28 U.S.C. § 455, must be made when a corporation is a party to any action and the corporation as a subsidiary or affiliate of any publicly owned American or foreign corporation not named in the action. The attorney of record must notify the clerk of the court in writing of the identity of the parent or affiliate corporation and the relationship of the party and the parent or affiliate corporation.

A Disclosure must be made in all actions described in 28 U.S.C. § 1581. In an action described in 28 U.S.C. § 1581(a) or (b), the attorney of record for the plaintiff also shall notify the clerk of the court in writing of the identity of the ultimate consignee or real party in interest if different from the named plaintiff.

A Disclosure must be made when a trade association is a party to the action. The attorney for the trade association shall notify the clerk of the court in writing of the identity of each publicly-owned American or foreign member of the trade association.

If any trade association or corporate party seeks to intervene or appear as *amicus curiae*, the entity's attorney is also required to comply with the notification requirements set forth above.

The required disclosure notification shall be made on Form 13. The form will be provided by the office of the clerk of the court when the first pleading or other paper is filed by a party or when a motion to intervene or appear as *amicus curiae* is filed.

(As added July 23, 1993, eff. July 23, 1993.)

Form 14

After final judgment has been entered in an action, and any further appeals have been finally resolved, the parties must jointly notify the Clerk of the Court so that all CM/ECF access to confidential information and/or business proprietary information can be terminated. This notice should be filed within 28 days of entry of final judgment, including any judgment resulting from subsequent appeals of the court's decisions. The notice should be substantially in the form set out in Form 14.

(As added Dec. 4, 2012, eff. Jan. 1, 2013.)

SPECIFIC INSTRUCTIONS - FORM 15

Form 15

An Application for Attorney's Fees and Other Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and Rule 54.1, must be filed within 30 days after the date of final judgment, as defined in 28 U.S.C. § 2412(d)(2)(G).

The Application for Attorney's Fees and Expenses shall be substantially in the form set forth in Form 15. As prescribed by Rule 54.1, the application shall contain a citation to the authority which authorizes an award. The application shall indicate the manner in which the prerequisites for an award have been fulfilled. Each application shall also contain a statement, under oath, which specifies (1) the nature of each service rendered; (2) the amount of time expended in rendering each type of service; and (3) the customary charge for each type of service rendered.

(Added July 23, 1993, eff. July 23, 1993; and amended Sept. 30, 2003, eff. Jan. 1, 2004; July 24, 2012, eff. Sept. 3, 2012.)

SPECIFIC INSTRUCTIONS - FORMS 16-1 through 16-5

Forms 16-1 through 16-5

An Order of Deposit and Investment directing the clerk to deposit money in an interest-bearing account, which as prescribed by Rule 67.1, shall be filed by delivery or by certified mail, return receipt requested, which the clerk or financial deputy who will inspect the proposed order for proper form and content prior to signature by the judge for whom the proposed order was prepared. The proposed order shall be substantially in the form set forth in Form 16-1, 16-2, 16-3, 16-4, or 16-5.

Any proposed order that directs the clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the court pursuant to 28 U.S.C. § 2401 also shall contain all information in accordance with Rule 67.1(b).

(Added July 23, 1993, eff. July 23, 1993; and amended Sept. 30, 2003, eff. Jan. 1, 2004.)

Form 17

As provided in Rule 73.2(c), the filing of a properly executed Business Proprietary Information Certification with the court entitles an attorney representing a party in an action brought pursuant to 28 U.S.C. § 1581(c) to have access to business proprietary information in the administrative record. Further, as also provided in Rule 73.2(c), the filing of a properly executed Business Proprietary Information Certification (including the required additional certifications as detailed in Form 17) entitles a non-attorney consultant to have access to business proprietary information in such an action. The Business Proprietary Information Certification shall be substantially in the form set forth in Form 17. Assuming that the properly executed Certification is timely filed, obtaining the consent of the other parties is not necessary for individuals who were subject to the administrative protective order in the underlying proceeding. Form 17 and the provisions referred to in the form are designed specifically for use in an action brought pursuant to 28 U.S.C. § 1581(c), and are not intended for use in other actions.

(Added Jan. 25, 2000, eff. May 1, 2000; and amended Sept. 30, 2003, eff. Jan. 1, 2004.)

Form 18

As provided in Rule 73.2(c), in an action brought pursuant to 28 U.S.C. § 1581(c) in which a party has access to business proprietary information, a Notification of Termination of Access to Business Proprietary Information Pursuant to Rule 73.2(c) is to be utilized to inform the court and the other parties of the attorneys and consultants whose access to business proprietary information has been terminated. As also provided in Rule 73.2(c), the removal of parties from access to business proprietary information is, to the extent practicable, to be a matter of notice. Use of a standard form is intended to facilitate that process and further ease the burden on any parties who are subject to the terms of Rule 73.2(c) and the Appendix on Access to Business Proprietary Information Pursuant to Rule 73.2(c). The Notification of Termination of Access to Business Proprietary Information Pursuant to Rule 73.2(c) shall be substantially in the form set forth in Form 18.

(Added Jan. 25, 2000, eff. May 1, 2000; and amended Sept. 30, 2003, eff. Jan. 1, 2004.)

Form 18A

Form 18A is intended to provide a means for notice of termination of access to business proprietary information through CM/ECF for a government attorney in an action brought pursuant to 28 U.S.C. § 1581(c). A government attorney who is no longer participating in an action in which he/she previously entered an appearance may use this form to notify the court and other parties that he/she should no longer have electronic access to, or be served with, business proprietary information in the listed cases. The form may be filed by the attorney whose access to business proprietary information is to be terminated, or by another government attorney who has entered an appearance.

(As added Dec. 4, 2012, eff. Jan. 1, 2013.)

Form 19

Rule 26(f) requires the parties to confer “as soon as practicable after the filing of a complaint, and in any event at least 21 days before a scheduling conference is held or a scheduling order is due under Rule 16(b)..., and submit to the court within 14 days after the conference a written report....” Form 19 illustrates the type of report the parties are expected to submit to the court, and it can be used as a checklist of items to be discussed at the conference.

(Added Sept. 30, 2003, eff. Jan. 1, 2004.)