

AMERICAN WIRE PRODUCERS ASSOCIATION

STATUS OF COURT APPEALS OF SECTION 232 STATUTE AND TARIFFS

REVISED: SEPTEMBER 2022

<u>PLAINTIFF(S)</u>	<u>DATE OF APPEAL</u>	<u>NATURE OF APPEAL</u>	<u>STATUS</u>
GEEKAY WIRES LTD. (CIT No. 20-00118)	June 4, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
FARRIER PRODUCT DISTRIBUTION (CIT No. 20-00098)	May 1, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
TEMPO GLOBAL RESOURCES (CIT No. 20-00066)	March 30, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
SOUTHERNCARLSON, INC. BUILDING MATERIAL DISTRIBUTORS, INC. CONTINENTAL MATERIALS, INC. WEXCELL, LLC FANACO FASTENERS, LLC S.T.O. INDUSTRIES, INC. PT GLOBAL, INC. BUILDING PRODUCTS OF AMERICA, LLC KRATOS BUILDING PRODUCTS, INC. DC INTERNATIONAL, INC. (CIT No. 20-00056)	Mar. 6, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
METROPOLITAN STAPLE CORP. (CIT No. 20-00053)	Mar. 2, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
J. CONRAD LTD. (CIT No. 20-00052)	Mar. 2, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
ASLANBAS NAIL AND WIRE CO. LITNAGLIS JSC (CIT No. 20-00049)	Feb. 26, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
NEW SUPPLIES CO., INC. FRY FASTENING SYSTEMS (CIT No. 20-00048)	Feb. 25, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
TRINITY STEEL PRIVATE LIMITED (CIT No. 20-00047)	Feb. 20, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).
ASTROTECH STEELS PRIVATE LTD. (CIT No. 20-00046)	Feb. 20, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	Pending before the CIT (Stayed).

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HUTTIG BUILDING PRODUCTS, INC. (CIT No. 20-00045; consolidated with CIT No. 20-00037)	Feb. 18, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	<i>See</i> Oman Fasteners (CIT No. 20-00037).
OMAN FASTENERS, LLC (CIT No. 20-00037) (CAFC No. 21-2252; consolidated with CAFC 21-2066)	Feb. 7, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	A three-judge panel of the U.S. Court of International Trade (CIT) ruled in favor of Oman Fasteners. The Government appealed to the CAFC, and the appeal has been consolidated with the PrimeSource appeal (21-2066).
PRIMESOURCE BUILDING PRODUCTS, INC. (CIT No. 20-00032) (CAFC No. 21-2066)	Feb. 4, 2020	Challenges extension of Section 232 tariffs to “derivative” steel products.	A three-judge panel of the U.S. Court of International Trade (CIT) ruled in favor of PrimeSource. The Government appealed to the CAFC. Briefing at the CAFC has been completed. Oral argument being scheduled between September 2022 and February 2023.
BORUSAN MANNESMANN PIPE U.S. INC. (CIT No. 20-00012)	Jan. 17, 2020	Challenges the denial of Section 232 product exclusion requests by USDOC, BIS.	Stipulated judgment; order issued 10/15/2020; appeal terminated .
NLMK INDIANA, LLC NLMK PENNSYLVANIA, LLC (CIT No. 20-00050)	Feb. 27, 2020	Challenges the denial of Section 232 product exclusion requests by USDOC, BIS.	Stipulated judgment; case dismissed . (\$97 million in Section 232 tariffs refunded with interest)
JSW STEEL (USA) INC. (CIT No. 19-00133)	July 30, 2019	Challenges the denial of Section 232 product exclusion requests by the U.S. Department of Commerce, Bureau of Industry and Security.	Stipulated judgment; order issued 9/21/2020; appeal terminated .
TATA INTERNATIONAL METALS (AMERICAS) LTD. MACSTEEL INTERNATIONAL USA CORPORATION THYSSENKRUPP MATERIALS TRADING NORTH AMERICA TREK METALS INC. FERROSTAAL METALS GMBH (CIT No. 20-00019)	Jan. 27, 2020	Challenges the increase of the Section 232 tariffs from 25% to 50% on steel imports from Turkey.	Appeal terminated after U.S. Supreme Court declined to hear Transpacific appeal.

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<p>TRANSPACIFIC STEEL LLC BORUSAN MANNESMANN BORU SANAYI VE TICARET A.S. BORUSAN MANNESMANN PIPE U.S. INC. THE JORDAN INTERNATIONAL COMPANY</p> <p>(CIT No. 19-00009) (CAFC No. 20-2157)</p>	<p>Jan. 22, 2019</p>	<p>Challenges the increase of the Section 232 tariffs from 25% to 50% on steel imports from Turkey.</p>	<p>The CIT issued a decision in favor of Transpacific; the U.S. Court of Appeals for the Federal Circuit (CAFC) reversed; request for rehearing <i>en banc</i> denied by CAFC.</p> <p>Transpacific filed petition for <i>writ of certiorari</i> to U.S. Supreme Court (SCOTUS) for review of CAFC decision; writ of cert denied.</p>
<p>UNIVERSAL STEEL PRODUCTS, INC. BORUSAN MANNESMANN PIPE US INC. PSK STEEL CORPORATION THE JORDAN INTERNATIONAL COMPANY DAYTON PARTS, LLC</p> <p>(CIT No. 19-00209) (CAFC No. 21-1726)</p>	<p>Dec. 3, 2019</p>	<p>Challenges the President's finding that steel imports threaten the national security of the United States.</p>	<p>A three-judge panel of the U.S. Court of International Trade (CIT) ruled in favor of the Government on all but one count; Court Four is stayed.</p> <p>Universal appealed to CAFC which affirmed the CIT on June 9, 2022. Universal's petition for rehearing is pending.</p>
<p>AMERICAN INSTITUTE FOR INTERNATIONAL STEEL (AIIS) SIM-TEX LLP KURT ORBAN PARTNERS</p> <p>(CIT No. 18-00152) (CAFC No. 19-1727)</p>	<p>June 27, 2018</p>	<p>Challenged the constitutionality of the Section 232 statute as an improper delegation of Congressional authority to the Executive.</p>	<p>A three-judge panel of the U.S. Court of International Trade (CIT) ruled in favor of the Government.</p> <p>A three-judge panel of the U.S. Court of Appeals for the Federal Circuit (CAFC) affirmed the CIT on Feb. 28, 2020.</p> <p>U.S. Supreme Court denied request to hear case (writ of cert denied).</p>
<p>BORUSAN MANNESMANN BORU SANAYI VE TICARET A.S. BORUSAN MANNESMANN PIPE U.S. INC.</p> <p>(CIT No. 20-00010)</p>	<p>Jan. 16, 2020</p>	<p>Seeks to certify a class action on behalf of all importers affected by the Section 232 tariffs and to claim refunds for tariffs paid in the event that the AIIS appeal is successful.</p>	<p>Dismissed 7/1/2020.</p>