Slip Op. 01 - 129

JUDGMENT

UNITED STATES COURT OF INTERNATIONAL TRADE

Thomas J. Aquilino, Jr., Judge

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FORMER EMPLOYEES OF CREATEC CORP., :

Plaintiffs,

v. : Court No. 01-00619

:

UNITED STATES DEPARTMENT OF LABOR,

:

Defendant.

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The U.S. Department of Labor, Employment and Training Administration, Division of Trade Adjustment Assistance having on March 30, 2001 issued a Negative Determination Regarding Eligibility To Apply for NAFTA - Transitional Adjustment Assistance with regard to certain employees of Createc Corporation, Harrodsburg, Kentucky, NAFTA-TAA 4599; and notice of that determination having been published sub nom. Dep't of Labor, Employment and Training Admin., Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance, 66 Fed.Reg. 22,005, 22,007 col. 2 (May 2, 2001); and one such employee having corresponded with this Court about that determination; and the Clerk having received on July 30, 2001 a letter from that individual, which it deemed as fulfilling in principle the requirements for commencement of the above-numbered

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action; and the defendant having filed on September 27, 2001 a motion to dismiss this action on the ground of lack of subject-matter jurisdiction in that it was not commenced within the sixty days after notice of such determination prescribed in 19 U.S.C. \$2395(a) and 28 U.S.C. \$2636(d); and the plaintiffs having failed to respond to this motion; and it not otherwise clearly appearing that earlier correspondence on the record could be deemed timely commencement of this action; Now therefore, after due deliberation, it is

ORDERED that defendant's motion to dismiss this action be, and it hereby is, granted; and it is further

ORDERED, ADJUDGED and DECREED that this action be, and it hereby is, dismissed.

Dated: New York, New York November 6, 2001

| Judge | |
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