

SLIP OP. 06-99
UNITED STATES COURT OF INTERNATIONAL TRADE

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NORSK HYDRO CANADA INC., :
 :
 Plaintiff, :
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 v. : Court No. 05-000585
 : Before: Pogue, Judge
THE UNITED STATES, :
 :
 Defendant :
 :
 and :
 :
US MAGNESIUM LLC, :
 :
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OPINION

Defendant and Defendant-Intervenor move to dismiss Counts II-IV of Plaintiff's complaint under USCIT R. 12(b)(1) and 12(b)(5) for the reasons this court rejected in Norsk Hydro Canada Inc. v. United States, 28 CIT ___, 350 F. Supp. 2d 1172 (2004) (addressing a prior administrative review). Because the court has, in that prior decision, decided the question at issue here, the motions are denied.

June 30, 2006

_____/s/_____
New York, New York
Donald C. Pogue, Judge