

Slip Op. 08-65
UNITED STATES COURT OF INTERNATIONAL TRADE

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CANADIAN LUMBER TRADE ALLIANCE, :
et al., :
 :
Plaintiffs, :
 :
v. : Before: Pogue, Judge
 :
THE UNITED STATES, et al., : Consol. Ct. No. 05-00324
 :
 :
Defendants. :
- - - - - x

JUDGMENT

This consolidated case having been duly submitted for decision, and the Court, after due deliberation, having rendered decisions herein; and

Said decisions having been appealed to the Court of Appeals for the Federal Circuit; and

Said appeal having resulted in a decision affirming-in-part, vacating-in-part, and remanding, Canadian Lumber Trade Alliance v. United States, 517 F. 3d 1319 (Fed. Cir. 2008); and

The Federal Circuit having issued its mandate after appeal;

Now, in conformity with those decisions and mandate, it is hereby

ORDERED that the motion of the Government of Canada for judgment on the agency record is **denied**;

ORDERED that the motions of the Defendants and Defendant-Intervenors for judgment on the agency record as against the Government of Canada are **granted**;

ORDERED that the motion of the Canadian Wheat Board for judgment on the agency record is **granted**;

ORDERED that the motions of the Defendant and Defendant-Intervenors for summary judgment as against the Canadian Wheat Board are **denied**;

ORDERED that the complaints of the Canadian Lumber Trade Alliance, Norsk Hydro Canada, Inc., Ontario Forest Industries Association, Ontario Lumber Manufacturers Association, and the Free Trade Lumber Council are **dismissed as moot**; and it is further

ORDERED that the Government of Canada's complaint is **dismissed**; and it is further

ORDERED, ADJUDGED and DECREED that pursuant to Section 408 of the North American Free Trade Implementation Act, 19 U.S.C. § 3438, the Continued Dumping and Subsidy Offset Act of 2002, 19 U.S.C. § 3438, does not apply to antidumping and countervailing duties assessed on imports of goods from Canada or Mexico; and it is further

ORDERED, ADJUDGED and DECREED that Defendant W. Ralph Basham, Commissioner of the United States Bureau of Customs and Border Protection, his employees, officers, agents, attorneys, and successors in office are **permanently enjoined**, as of July 14, 2006 from making any continued dumping and subsidy offsets, payments or distributions, to affected domestic producers, as defined by 19 U.S.C. § 1675c (2005), to the extent they derive from duties assessed pursuant to countervailing duty orders, antidumping duty orders, or findings under the Antidumping Act of 1921, upon hard red spring wheat from Canada imported into the United States.

Dated: New York, New York
June 10, 2008

/s/ Donald C. Pogue
Donald C. Pogue, Judge