

UNITED STATES COURT OF INTERNATIONAL TRADE

VOLKSWAGEN OF AMERICA, INC.,
Plaintiff,
v.
UNITED STATES,
Defendant.

Before: Richard W. Goldberg,
Senior Judge

Court No. 96-00132

ORDER

In accordance with the decision (Aug. 22, 2008) and mandate (Dec. 1, 2008) of the United States Court of Appeals for the Federal Circuit, Appeal No. 2007-1518, affirming in part, and reversing in part this Court's judgment in Volkswagen of America, Inc. v. United States, 31 CIT __, Slip Op. 07-47 (Mar. 28, 2007), it is hereby:

ORDERED that the portion of this Court's order denying Volkswagen's claim to an allowance pursuant to 19 C.F.R. § 158.12 for repairs made in response to government-mandated recalls is vacated; and it is further:

ORDERED that:

- (1) On or before January 16, 2009, the parties shall submit supplemental briefing as to whether the defects remedied in response to the FTC and state recalls existed at the time of importation; and
- (2) On or before January 30, 2009, the parties shall file a proposed scheduling order for the submission of this action for trial as to the remaining issue of verifying the applicable allowance amounts.

IT IS SO ORDERED.

/s/ Richard W. Goldberg
Richard W. Goldberg
Senior Judge

Date: December 18, 2008
New York, New York