

UNITED STATES COURT OF INTERNATIONAL TRADE

AMERICAN SILICON TECHNOLOGIES, :
ELKEM METALS COMPANY, :
GLOBE METALLURGICAL, INC. and :
SKW METALS & ALLOYS, INC., :

Plaintiffs, :

v. :

UNITED STATES :

Defendant, :

and :

COMPANHIA BRASILEIRA :
CARBURETO DE CALCIO, :
COMPANHIA FERROLIGAS :
MINAS GERIAS-MINASLIGAS and :
RIMA INDUSTRIAL S/A, :

Defendant-Intervenors. :

Before: MUSGRAVE, JUDGE

Consolidated Court No. 97-02-00267

ORDER

This matter is before the Court on a motion by defendant-intervenor Companhia Brasileira Carbureto de Calcio (“CBCC”) to stay this Court’s judgment and extend the injunction on the liquidation of the subject merchandise pending CBCC’s appeal in this action. After CBCC’s motion was filed, counsel for plaintiffs American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc., and SKW Metals & Alloys, Inc. (collectively “American Silicon”) conferred with counsel for CBCC, and they agreed that such stay should be limited to only the issues which CBCC has appealed. American Silicon also moves that the Court’s judgment be declared final as to the

issues pertaining to the other defendant-intervenors because the issues on appeal pertain only to the calculation of CBCC's dumping margin and no other party has filed a timely appeal. American Silicon states that counsel for CBCC consents to its motion and that government counsel does not object. Thus, it is hereby

ORDERED that the judgment entered on August 27, 2001, in conjunction with Slip Op. 01-109, is stayed with respect to the issues appealed to the United States Court of Appeals for the Federal Circuit by CBCC; and it is further

ORDERED that the United States, its officers, agents, employees, and delegates, are enjoined from liquidating the entries of silicon metal from Brazil produced or exported by CBCC during the period from July 1, 1994 through June 30, 1995, and covered by the final results of the administrative review from which this action arises, *Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part*, 62 Fed. Reg. 1970 (Jan. 14, 1997), which remain unliquidated at the close of business on the day following the date on which a copy of this order is received; and it is further

ORDERED that the stay and injunction provided by this order shall expire when CBCC has exhausted all levels of appeal provided by law.

In light of the fact that no party other than CBCC has filed an appeal in this action, the judgment entered by the Court on August 27, 2001 is final as to all issues other than those appealed by CBCC.

R. KENTON MUSGRAVE, JUDGE

Dated: January 15, 2002
New York, New York