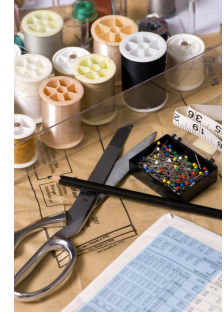

❖ SPC&B Textile Report ❖

A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

February 16, 2012

New Gender/Age Discrimination Suit is Dismissed



In previous Textile Reports we discussed the fact that certain importers were challenging, in the U.S. Court of International Trade (CIT), the duty being assessed on a variety of imported articles, claiming gender and age discrimination. The first case went to the Court of Appeals for the Federal Circuit (CAFC), which affirmed the CIT's dismissal on the technical grounds that the importer-plaintiff had failed to allege sufficient facts to support its cause of action.

Subsequently, a new test case alleging additional facts in an attempt to avoid another early dismissal, was filed at the CIT. Yesterday, the Court granted the government's motion to dismiss the action, with prejudice because the plaintiffs were unable to demonstrate that the legislature acted with a discriminatory purpose in assigning differing duty rates based on gender or age.

We anticipate that the dismissal will be appealed to the CAFC and will continue to provide you with updates on the progress of the case.

To learn more about the case and how it applies to your company's products, please contact Gail Cumins at gcumins@spcblaw.com, Alli Baron at abaron@spcblaw.com, or Donna Shira at dshira@spcblaw.com respectively, or call (212) 425-0055.

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