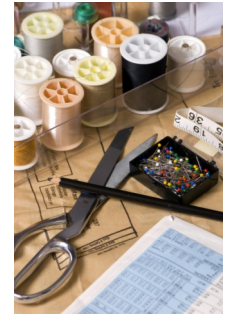

❖SPC&B Textile Report❖

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

August 14, 2013

Another Gender/Age Discrimination Suit Is Filed



In two previous litigations (*Totes-Isotoner* and *Rack Room*), both the Court of International Trade (CIT) and the Court of Appeals for the Federal Circuit (CAFC) concluded that the plaintiffs were unable to demonstrate that the legislature had acted with a discriminatory purpose in assigning different duty rates to imported articles based on gender and/or age. Nevertheless, this week a new complaint was filed by Tommy Hilfiger at the CIT, attempting to show that Congress did act with intent to discriminate on the basis of gender and/or age when assigning the differing duty rates in the tariff.

While we do not believe the new action has any greater chance of succeeding than the prior ones, importers once again have an opportunity to preserve their rights to potentially recover refunds by filing their own protective court actions and have them suspended, pending the final outcome of the *Tommy Hilfiger* case.

Should you wish to file such an action or to learn more about the case and how it may affect your company, please contact Gail Cumins at gcumins@spcblaw.com, Alli Baron at abaron@spcblaw.com or Donna Shira at dshira@spcblaw.com, or call us at (212) 425-0055.

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