

MESSAGE NO: 8130201 MESSAGE DATE: 05/09/2008  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8077201  
MESSAGE #  
(s):  
CASE #(s): A-570-890

EFFECTIVE DATE: COURT CASE #:  
PERIOD OF REVIEW: TO  
PERIOD COVERED: 06/24/2004 TO 12/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQ INST. FOR WOODEN BEDROOM FURNITURE FROM CHINA EXP'D UNDER THE PRC WIDE ENTITY NUMBER (A-570-890-000) (06/24/2004-12/20/2004 & 12/28/2004-12/31/2005)

MESSAGE NO: 8130201

DATE: 05 09 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8077201

REFERENCE DATE: 03 17 2008

CASES: A - 570 - 890

- -

- - - -

- - - -

PERIOD COVERED: 06 24 2004 TO 12 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQ INST. FOR WOODEN BEDROOM FURNITURE FROM CHINA  
EXP'D UNDER THE PRC WIDE ENTITY NUMBER (A-570-890-000)  
(06/24/2004-12/20/2004 & 12/28/2004-12/31/2005)

1. ON 04/01/2008, THE TEMPORARY RESTRAINING ORDER FOR AP INDUSTRIES EXPIRED. SEE MESSAGE # 8077201 DATED MARCH 17, 2008.

2. ON 04/14/2008, THE COURT OF INTERNATIONAL TRADE ORDERED THAT THE CASE OF AP INDUSTRIES INC. V. UNITED STATES, COURT NO. 08-0090 IS DISMISSED. ALSO THE COURT'S APRIL 1, 2008 ORDER THAT THE PARTIES JOINTLY SUBMIT A PROPOSED ORDER TO STAY THE PROCEEDING FOR 60 DAYS WAS VACATED. THE COURT ORDERED THAT NOTICE

OF LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF WOODEN BEDROOM FURNITURE FROM THE PEOPLES REPUBLIC OF CHINA (PRC) DURING THE PERIODS 06/24/2004 THROUGH 12/20/2004 AND 12/28/2004 THROUGH 12/31/2005, FOR THE PRC ENTITY (A-570-890-000) OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF ANTIDUMPING DUTY ADMINISTRATIVE REVIEW, (72 FR 46957) ON 08/22/2007.

3. ALSO, THE COURT ORDERED THAT ENTRIES OF CERTAIN WOODEN BEDROOM FURNITURE AND CONVERTIBLE CRIBS, FROM THE PRC THAT (1) WERE IMPORTED BY PLAINTIFF UNDER THE NAMES AP INDUSTRIES; AP INDUSTRIES INC.; OR LES INDUSTRIES AP INC. (COLLECTIVELY, AP) AND EXPORTED FROM THE PRC ENTITY; AND (2) WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIODS 06/24/2004 THROUGH 12/20/2004 AND 12/28/2004 THROUGH 12/31/2005; AND (3) WERE NOT LIQUIDATED BY CBP PRIOR TO 02/22/2008 ARE DEEMED LIQUIDATED BY OPERATION OF LAW PURSUANT TO 19 U.S.C. 1504(d) AT THE RATE OF DUTY, VALUE, QUANTITY, AND AMOUNT OF DUTY ASSERTED BY AP INDUSTRIES, AP INDUSTRIES INC, OR LES INDUSTRIES AP INC., AT THE TIME OF ENTRY. FOR ALL OTHER SHIPMENTS OF WOODEN BEDROOM FURNITURE FROM THE PRC , YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. ADDITIONALLY, THE COURT ORDERED, THAT FOR ENTRIES OF CONVERTIBLE CRIBS FROM THE PRC THAT : (1) WERE IMPORTED BY PLAINTIFF UNDER THE NAME AP INDUSTRIES, AP INDUSTRIES INC, OR LES INDUSTRIES AP INC., AND (2) WERE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD OF 01/01/2006, THROUGH AND INCLUDING 12/31/2006; AND (3) ARE SUBJECT TO COMMERCE ONGOING SCOPE PROCEEDING ON CONVERTIBLE CRIBS, INITIATED ON 02/25/2008 PURSUANT TO 19 C.F.R . 351.225(e); AND (4) REMAIN SUSPENDED PENDING THE COMPLETION OF COMMERCE SECOND ADMINISTRATIVE REVIEW, SHALL FURTHER BE SUSPENDED OR LIQUIDATED IN ACCORDANCE WITH COMMERCE SCOPE PROCEEDING WITH REGARD TO AP

CONVERTIBLE CRIBS PURSUANT TO 19 C.F.R. .351.225(l).

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDERSECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY. (GENERATED BY O8: RB).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS

INFORMATION.

DAVID M.GENOVESE

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party