

UNITED STATES COURT OF INTERNATIONAL TRADE

Zenith Electronics Corp. v. United States

11 Ct. Int'l Trade 1 (1987) · Decided July 1, 1987

SUMMARY

The United States Court of International Trade denied Sanyo Electric Co., Ltd.’s motion to dismiss claims brought by Zenith Electronics Corporation and labor unions in an action challenging a Commerce Department antidumping review determination. The court held that the action was against the United States, not Sanyo, and that it would be premature to determine how any remand redetermination should affect entries of Sanyo merchandise.

CASE DETAILS

|                       |                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of International Trade                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Watson                                                                                                                                                                                                                                       |
| JURISDICTION          | USA                                                                                                                                                                                                                                          |
| DECIDED               | July 1, 1987                                                                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Defendant-intervenor Sanyo Electric Co., Ltd. moved to dismiss the complaints as they related to Sanyo and sought a declaration that the challenged Commerce Department antidumping review determination was lawful as to Sanyo merchandise. |
| STANDARD OF REVIEW    | The Court determines whether the challenged administrative determination was lawful and supported by substantial evidence.                                                                                                                   |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                    |
| PARTIES               | Zenith Electronics Corporation, Independent Radionic Workers of America, et al. v. United States                                                                                                                                             |

TOPICS

- judicial review of agency action
- administrative law
- motions to dismiss
- commercial litigation
- civil procedure

PRACTICE AREAS

- administrative law
- international trade
- commercial litigation
- civil procedure

## QUESTIONS PRESENTED

1. Whether a defendant-intervenor foreign manufacturer could obtain dismissal of claims purportedly asserted against it when the actions challenged an administrative determination brought against the United States.
2. Whether the Court could declare at that stage that a future Commerce Department redetermination would not affect entries manufactured by Sanyo.

## HOLDINGS

1. Sanyo's motion to dismiss was not well-taken because the actions were brought against the United States to challenge a Commerce Department determination, and there were no claims against Sanyo subject to dismissal.
2. The Court could not prematurely declare that a future Commerce Department redetermination should not affect entries of a specific foreign manufacturer.

## KEY QUOTATIONS

*“The Court’s task is merely to decide whether the challenged determination was lawful and supported by substantial evidence.” (at 2)*

*“It would be premature and improper for the Court to declare at this juncture that the redetermination should not affect entries of a specific foreign manufacturer.” (at 2)*

## FACTUAL BACKGROUND

Zenith Electronics Corporation and Independent Radionic Workers of America, et al., challenged a Commerce Department administrative review determination relating to a prior antidumping finding. The actions named the United States as defendant rather than any foreign manufacturer. Sanyo Electric Co., Ltd., a defendant-intervenor, sought dismissal of the complaints as they related to Sanyo and a declaration concerning the lawfulness of the determination as applied to Sanyo merchandise.

## PROCEDURAL HISTORY

Zenith and the Unions brought consolidated actions against the United States challenging an administrative review determination concerning a prior antidumping finding. The Court had previously entered judgment on the agency record on certain claims and remanded those matters to the Commerce Department for redetermination. Sanyo then moved to dismiss claims against it and obtain a declaration concerning the effect of the determination on Sanyo merchandise; the Court denied the motion.

## DISPOSITION

other

## CASES CITED

- Zenith Electronics Corp. v. United States, 10 CIT 268, 633 F. Supp. 1382 (1986)

## OPINION

WATSON, J.

ORDER Watson, Judge: Sanyo Electric Co., Ltd. ("Sanyo"), a defendant-in-tervenor in this consolidated action, moves for dismissal of the complaints of plaintiff Zenith Electronics Corporation ("Zenith") and plaintiffs Independent Radionic Workers of America, et al. ("Unions") as they relate to Sanyo. Sanyo also seeks a declaration that the challenged antidumping review determination of the Commerce Department was lawful with respect to imported Sanyo merchandise.

In support of its motion, Sanyo states that all of plaintiffs' claims either have been resolved adversely to the plaintiffs in prior litigation, or are factually not applicable to the covered entries manufactured by Sanyo.

The Court has previously granted judgment upon the agency record on certain of plaintiffs' claims, see *Zenith Electronics Corp. v. United States*, 10 CIT 268, 633 F. Supp. 1382 (1986), and those matters are currently remanded to the Commerce Department for a redetermination. Zenith and the defendant correctly point out that Sanyo's motion misconceives the nature of these judicial proceedings.

Zenith and the Unions initiated these actions for the purpose of challenging an administrative review determination relating to a prior antidump-<sup>2</sup>ing finding. The actions were brought against "The United States", not against any foreign manufacturer or its imports. Consequently, there are no claims against Sanyo which are subject to dismissal.

The Court's task is merely to decide whether the challenged determination was lawful and supported by substantial evidence. Where the Court finds error and remands to the Commerce Department for a redetermination, it is Commerce which applies the rede-termination to specific entries as the facts warrant. It would be premature and improper for the Court to declare at this juncture that the redetermination should not affect entries of a specific foreign manufacturer.

Because the Court concludes that Sanyo's motion is not well-taken, it is hereby denied.