

Proposed Amendments to Rule 56.2

Rule 56.2 is amended as follows:

Rule 56.2. Judgment on an Agency Record for an Action Described in 28 U.S.C. § 1581(c)

(a) Proposed Briefing Schedule and Joint Status Report. The judge may modify the following procedures as appropriate in the circumstances of the action, or the parties may suggest modification of these procedures. Retention of or access to business proprietary information in the administrative record is governed by Rule 73.2(c).

Any motion to intervene as of right must be filed within the time and in the manner prescribed by Rule 24. Any motion for a preliminary injunction to enjoin the liquidation of entries that are the subject of the action must be filed by a party to the action within 30 days after service of the complaint, or at such later time, for good cause shown. **Motions seeking preliminary injunctive relief will be given precedence over other matters pending before the court, and expedited in every way.** Notwithstanding the first sentence of this paragraph, an intervenor must file a motion for a preliminary injunction no earlier than the date of filing of its motion to intervene and no later than 30 days after the date of service of the order granting intervention, or at such later time, but only for good cause shown. Prior to the filing of the motion, the movant must consult with all other parties to the action in accordance with Rule 7(b). No later than 30 days after the filing of the record with the court, the parties, including proposed intervenors, must file with the clerk (1) a Joint Status Report, and (2) a proposed briefing schedule. The Joint Status Report must be signed by counsel for all parties and

set out answers to the following questions, although separate views may be set out on any point on which the parties cannot agree:

1. Does the court have jurisdiction over the action?
2. Should the case be consolidated with any other case, or should any portion of the case be severed, and the reasons for such severance?
3. Should further proceedings in this case be deferred pending consideration of another case before the court or any other tribunal and the reasons for such deferral?
4. Should the court be aware of any other information at this time?

The proposed briefing schedule must indicate whether the parties (1) agree to the time periods set out in Rule 56.2(d), (2) agree to time periods other than the periods set out in Rule 56.2(d), or (3) cannot agree on a time period. If the parties cannot agree on a time period, the parties indicate the areas of disagreement and set out the reasons for their positions. After the Joint Status Report and proposed briefing schedule are filed, the judge promptly should enter a scheduling order.

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(Added Sept. 25, 1992, eff. Jan. 1, 1993; and amended Oct. 5, 1994, eff. Jan. 1, 1995; May 27, 1998, eff. Sept, 1998; Jan. 25, 2000, eff. May 1, 2000; May 25, 2004, eff. Sept. 1, 2004; Nov. 25, 2008, eff. Jan. 1, 2009; Dec. 7, 2010, eff. Jan. 1, 2011; Dec. 6, 2011, eff. Jan. 1, 2012; _____, **2012, eff. _____, 2013.**)

Advisory Committee Note

The text of Rule 56.2 has been amended to state that the Court will expedite motions for preliminary injunctive relief. A corresponding amendment removed similar language from Rule 3(g). Inserting this language into Rule 56.2 preserves the Court's express recognition of its obligation to "expedite the consideration . . . [of] any action for temporary or preliminary injunctive relief" as required by 28 U.S.C. § 1657.