

### Amendments to Rule 3

Rule 3 is amended as follows:

#### Rule 3. Commencing an Action

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(g) Precedence of Action. ~~Unless the court, on~~ **On** motion for good cause or on its own, ~~determines otherwise in a particular action,~~ **the court may expedite** the following actions ~~will be~~ **and** given **them** precedence, ~~in the following order,~~ over other **pending** actions ~~pending before the court, and expedited in every way:~~

~~(1) An action seeking temporary or preliminary injunctive relief;~~

**(12)** An action involving the exclusion of perishable merchandise or redelivery of such merchandise;

**(23)** An action described in 28 U.S.C. § 1581(c) to contest a determination under section 516A of the Tariff Act of 1930;

**(34)** An action described in 28 U.S.C. § 1581(a) to contest the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930, involving the exclusion or redelivery of merchandise;

**(45)** An action described in 28 U.S.C. § 1581(b) to contest a decision of the Secretary of the Treasury under section 516 of the Tariff Act of 1930.

**(56)** Any other action that the court determines, based on motion and for good cause shown, warrants expedited treatment.

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**PRACTICE COMMENT:** Rule 3(g) lists ~~four~~five types of actions to which the court ~~may~~will give precedence over other actions ~~as a matter of course~~, and allows the court to give precedence to any other action when a party can demonstrate, on motion and a showing of good cause, that expedited treatment is warranted. In addition to Rule 3(g), other rules that may bear on scheduling include Rule 16 (Post Assignment Conferences; Scheduling; Management), Rule 40 (Request for Trial), **Rule 56.2 (Judgment on an Agency Record for an Action Described in 28 U.S.C. § 1581(c))**, **Rule 65 (Injunctions and Restraining Orders)**, and Rule 78 (Motion Part).

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; July 21, 1986, eff. Oct. 1, 1986; Dec. 3, 1986, eff. Mar. 1, 1987; Sept. 25, 1992, eff. Jan. 1, 1993, Nov. 29, 1995, eff. Mar. 31, 1996; Aug. 29, 1997, eff. Nov. 1, 1997; May 27, 1998, eff. Sept. 1, 1998; Jan. 25, 2000, eff. May 1, 2000; Aug. 29, 2000, eff. Jan. 1, 2001; Dec. 18, 2001, eff. Apr. 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; Sept. 28, 2004, eff. Jan. 1, 2005; Mar. 29, 2005, eff. Oct. 1, 2005; Nov. 29, 2005, eff. Jan. 1, 2006; Mar. 21, 2006, eff. Apr. 10, 2006; Nov. 25, 2008, eff. Jan. 1, 2009; Nov. 25, 2009, eff. Jan. 1, 2010; Dec. 7, 2010, eff. Jan. 1, 2011; **Dec. 4, 2012, eff. Jan. 1, 2013.**)