

Specific Instructions

Form 7

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a [A] Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7, and must include for each action noticed for dismissal: the court number; ~~[the court calendar (Reserve, Suspension, or Suspension Disposition Calendar); the customs number or the protest number; and the port of entry]~~ and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.

~~A Notice of Dismissal may include, on an attached schedule, more than one action; provided that all the actions listed on the schedule are pending in the same court calendar and arose from the same port of entry. When more than one port of entry is involved in the action, an additional copy of the notice of dismissal, together with a separate schedule, must be filed for each such additional port of entry].~~

(As amended July 23, 1993, eff. July 23, 1993; _____, 2001, eff. _____, 2002.)

Form 7A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Notice of Dismissal which, as prescribed by Rule 41(a)(1)(A), may be filed by plaintiff at any time before service of an answer or motion for summary judgment, must be substantially in the form set forth in Form 7A, and must include for each action noticed for dismissal: the court number and the name of the plaintiff.

(As added -----, 2001, eff. -----, 2002.)

Form 8

In an action commenced under 28 U.S.C. § 1581(a), 1581(b) or 1582, a [A] Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(B), may be filed by plaintiff, must be substantially in the form set forth in Form 8, and must include for each action stipulated for dismissal: the court number; ~~[the court calendar (Reserve, Suspension, or Suspension-Disposition Calendar); the customs number or the protest number; and the port of entry]~~ **and the name of the plaintiff. In addition, in an action commenced under section 1581(a) or (b), the plaintiff is to include the protest number and the entry number, if applicable. In an action commenced under section 1582, the plaintiff also shall include the claim number, if applicable.**

A Stipulation of Dismissal may include, on an attached schedule, more than one action~~[- provided that all the actions listed on the schedule are pending in the same court calendar and arose from the same port of entry. When more than one port of entry is involved in the action, an additional copy of the stipulation of dismissal, together with a separate schedule, must be filed for each such additional port of entry].~~

(As amended July 23, 1993, eff. July 23, 1993; _____, 2001, eff. _____, 2002.)

Form 8A

In an action commenced other than under 28 U.S.C. § 1581(a), 1581(b) or 1582, a Stipulation of Dismissal which, as prescribed by Rule 41(a)(1)(B), may be filed by plaintiff, must be substantially in the form set forth in Form 8, and must include for each action stipulated for dismissal: the court number; and the name of the plaintiff.

(As added -----, 2001, eff. -----, 2002.)

Advisory Committee Note

The purpose of the proposed amendments is to replace current USCIT Rs., Forms 7 and 8 with new Forms 7, 7A, 8 and 8A. New Forms 7 and 8 are intended to be used by counsel seeking to voluntarily dismiss an action brought under 28 U.S.C. § 1581(a), 1581(b) or 1582. New Forms 7A and 8A would be used by counsel seeking to voluntarily dismiss an action brought under the Court's other jurisdictional provisions.