
Hughes Hubbard & Reed

Firm Wins ITC Ruling for Koehler in Antidumping Case

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Hughes Hubbard & Reed's International Trade Group scored a resounding victory on Dec. 17, 2015 before the U.S. International Trade Commission (ITC) on behalf of client Papierfabrik August Koehler SE (Koehler).

The ITC ruled, in a unanimous 5-0 vote, that the antidumping order against lightweight thermal point-of-sale receipt paper from Germany should be revoked following the agency's first five-year sunset review. Winning revocation in these sunset reviews is very difficult, particularly in the first review when the order has been in place for only five years. A unanimous decision to revoke import relief was a big win for the client.

The product at issue is the paper used for receipts at grocery stores, gas stations and drug stores. There are two major suppliers of this paper in the United States—Hughes Hubbard's client and Appvion, also known as Appleton. Appvion brought the petition against Germany (and China) to try to capture more market share. Hughes Hubbard argued the order should be removed because Koehler has high prices in the US and Appvion was no longer struggling to compete against an improved product that Koehler had introduced in the US market.

The industry titans each fielded world-famous economists to support their positions and had large teams working around the clock on lengthy filings with tight deadlines. Appvion lobbied hard and presented testimony and letters from various members of Congress. Hughes Hubbard countered with testimony from a European Union official.

The victory follows almost a year of hard work. Led by Amanda DeBusk and Matt Nicely, the team included Eric Parnes, Lynn Kamarck, Alan Kashdan, Tyler Grove and Scott Wise, with nearly all other members of the trade group assisting at various times throughout the process.

As a result of this win, Koehler's shipments to the United States will no longer be subject to antidumping duties imposed by the U.S. Department of Commerce, the rates of which varied wildly during the five-year order, and which are the subject of continuing litigation. Although Koehler will no longer have to contend with duties on future entries, the firm still has the tall task of defending against Commerce demands that Koehler pay \$200 million in penalty duties for past entries.

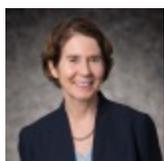
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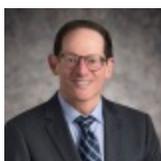
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