

UNITED STATES COURT OF INTERNATIONAL TRADE

**BEFORE: THE HONORABLE MARK A. BURNETT, CHIEF JUDGE
THE HONORABLE CLAIRE R. KELLY, JUDGE
THE HONORABLE TIMOTHY C. STANCEU, JUDGE**

THE STATE OF OREGON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Court No. 26-01472

PLAINTIFF STATES' MOTION FOR EXPEDITED TREATMENT

Pursuant to Rule 3(g)(5) of the U.S. Court of International Trade and based on good cause detailed herein, Plaintiffs in this action ("States") respectfully move for expedited treatment of their case. To that end, the States also move for an expedited briefing schedule in their forthcoming Motion for Summary Judgment or in the Alternative Preliminary Injunction (Motion), which they intend to file Friday, March 13. Specifically, the States request the Court to order Defendants to respond to their Motion by March 24 and the States to file a reply by March 31, with a hearing at the Court's convenience after that date. A proposed order is enclosed.

Before filing this motion, the States conferred with Defendants on their proposed briefing schedule. Defendants oppose the motion, "insofar as it gives them 11 days to respond to a motion for summary judgment that Plaintiffs have had three weeks to prepare. Defendants have proposed to Plaintiffs that Defendants file their brief on April 3, 2026."

I. Background

On February 20, after President Trump's tariffs levied through the International Emergency Economic Powers Act (IEEPA) were struck down by the U.S. Supreme Court, the President began

to sidestep its ruling by imposing a 10 percent tariff on most products worldwide pursuant to Section 122. Proclamation No. 11012 (Feb. 20, 2026), 91 Fed. Reg. 9339 (Feb. 25, 2026) (“Section 122 Proclamation”), to take effect on February 24. This action challenges the tariffs invoked through the Section 122 Proclamation and seeks an order enjoining the tariffs stemming from the Section 122 Proclamation and vacating Customs and Border Protection’s Cargo Systems Messaging Service message implementing those tariffs, among other relief.

II. Good Cause Exists to Expedite the States’ Challenge to the Section 122 Proclamation

This case warrants expedited treatment for at least three reasons. *First*, Section 122 of the Trade Act of 1974 limits tariffs to 150 days. *Second*, States have moved quickly to challenge the tariffs, purely an issue of law, allowing the Court to rule quickly on the merits. *Third*, by Defendants’ admission in the IEEPA cases, simply refunding tariffs paid under an illegal regime does not fully resolve the harm caused. Enjoining the Section 122 tariffs and vacating the related directives quickly would prevent irreparable harm.

The Tariffs are Time Limited: Consistent with the authority delegated by Congress in passing the Trade Act of 1974, the authority given to the President to levy tariffs under Section 122 may only be imposed for up to 150 days. *See* 19 U.S.C. § 2132(a). Therefore, the tariffs President Trump has imposed under the Section 122 Proclamation will end on July 24, 2026. *See* Section 122 Proclamation ¶¶ 13–14, (1). Previously, a group of States, also led by Oregon, challenged President Trump’s IEEPA tariffs. *Oregon v. Trump*, 1:25-cv-00077 (Ct. Int’l Trade), *consolidated with V.O.S. Selections, Inc. v. United States*, 772 F. Supp. 3d 1350 (Ct. Int’l Trade 2025), *aff’d in relevant part*, 149 F.4th 1312 (Fed. Cir. 2025), *aff’d sub nom. Learning Res., Inc. v. Trump*, 607 U.S. ----, 2026 WL 477534 (U.S. Feb. 20, 2026). That case was filed on April 23, 2025, proceeded quickly through this Court, was appealed to the Federal Circuit, and proceeded to the Supreme Court. At each stage, the courts moved expeditiously, and the time from filing to

final decision was 10 months. Therefore, if the Court were to proceed in anything other than an expedited fashion, it is unlikely that the States could get relief before the tariffs expire by their own terms.

The States Have Moved Expeditiously: As the docket reflects, the States are challenging the Section 122 tariffs immediately and have acted quickly to move for summary judgment (or, in the alternative, a preliminary injunction). The legality of the Section 122 Proclamation is strictly a matter of law, and States do not expect disputes as to any material facts in the case. As such, expedited treatment here is warranted.

The States are Facing Irreparable Harm: Finally, the IEEPA cases are instructive beyond the issue of timing: the harm that the States are seeking to prevent is irreparable. As the experience with IEEPA tariffs has proven, the States are harmed by paying more for goods, equipment, and services because of tariffs, and it will be infeasible for States to recover those costs, particularly when they are paid by third parties. Once vendors and contractors have passed tariff costs on to the States in the form of increased prices, it is virtually infeasible for the States to recover those costs. Even if this Court ultimately holds that the tariffs are unlawful and orders refunds, the States have no obvious legal remedy against vendors, contractors, or importers to recover paid tariff surcharges or negotiated price increases, even if the Court were to order refunds of the tariffs to the original payors.

And the process for refunding IEEPA tariffs to direct importers has proven predictably difficult and costly due to the “unprecedented volume of refunds” necessitated by the President’s unlawful tariff orders. *See* Decl. of Brandon Lord ¶ 17, *Atmus Filtration, Inc. v. United States*, No. 26-01259 (Ct. Int’l Trade, March 6, 2026), ECF No. 31 (“Lord Decl.”). CBP has told another judge of this Court that it is unable to comply with a recent court order, and that tariff refunds will be

delayed for months due to the overwhelming staffing and logistical demands that the refund process will require. *Id.* Recovery of money paid directly and indirectly as a result of the Section 122 Proclamation is, currently, speculative at best. In the meantime, State budgets hang in the balance. Thus, the Court should act quickly to determine the legality of the tariffs instituted by the Section 122 Proclamation.

III. Conclusion

For the good cause set forth herein, Plaintiff States request that the motion for expedited treatment of this case be GRANTED.

Respectfully submitted,

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** Admission application pending or forthcoming*

Dated: March 11, 2026

UNITED STATES COURT OF INTERNATIONAL TRADE

**BEFORE: THE HONORABLE MARK A. BURNETT, CHIEF JUDGE
THE HONORABLE CLAIRE R. KELLY, JUDGE
THE HONORABLE TIMOTHY C. STANCEU, JUDGE**

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Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

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ORDER

Upon consideration of the Motion for Expedited Treatment and for good cause shown, it is hereby

ORDERED that the Motion is GRANTED.

It is further ORDERED that, provided that the Plaintiff States' Motion for Summary Judgment or in the Alternative for Preliminary Injunction is filed by Friday, March 13, 2026, Defendants' Response is due by Tuesday, March 24, 2026, and Plaintiffs States' reply is due by Tuesday, March 31, 2026.

JUDGE

Dated: _____
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