

**IN THE UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE
GARY S. KATZMANN, JUDGE, TIMOTHY REIF, JUDGE, JANE A. RESTANI, JUDGE**

COSTCO WHOLESALE CORPORATION

Plaintiff,

v.

U.S. CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT, in
his official capacity as Commissioner of U.S.
Customs and Border Protection; and the
UNITED STATES OF AMERICA

Defendants.

No. 25-00316

CONSENT MOTION TO CONSOLIDATE

Pursuant to Rule 42(a) of the Rules of the U.S. Court of International Trade, plaintiffs in the actions listed below respectfully move to consolidate these related cases. The parties conferred through counsel on November 25, 2025, and Defendants through counsel consented to this motion on December 1, 2025.¹

I. Related Actions

On November 20, 2025, this Court consolidated a number of related cases for which No. 25-cv-00255-3JP, *AGS Company Automotive Solutions v. U.S. CBP, et al* (“AGS docket”), was designated the master docket. *See* Order Granting Mot. Consol., November 20, 2025, ECF No. 9 (“Original Consolidation Order”). The following actions arise from the same challenged tariff

¹ The named Defendants in these cases are listed as U.S. Customs and Border Protection, Rodney Scott in his capacity and Commissioner of U.S. Border Protection, and the United States as the statutory defendant. We refer to them collectively as United States, and the U.S. Department of Justice as counsel for the United States, for purposes of this joint motion.

measures imposed pursuant to the International Emergency Economic Powers Act (“IEEPA”) and present identical legal claims and (as explained below) requested interim relief:

1:25-cv-00281-3JP	Illuminate USA LLC v. U.S. CBP, et al
1:25-cv-00285-3JP	Moog Inc., et al v. U.S. CBP, et al
1:25-cv-00286-3JP	LONGI Solar Tech., Inc. v. U.S. CBP, et al
1:25-cv-00288-3JP	Ushio America, Inc. et al v. U.S. CBP, et al
1:25-cv-00290-3JP	Chromalloy San Diego Corp. et al v U.S. CBP, et al
1:25-cv-00292-3JP	Toyota Tshusho Canada, Inc. et al v. U.S. CBP, et al
1:25-cv-00293-3JP	iFIT, Inc. v. U.S. CBP, et al
1:25-cv-00294-3JP	Industrial Tech Services, Inc. v. U.S. CBP, et al
1:25-cv-00295-3JP	Toyota Tshusho Nexty Electronics America, Inc. v U.S. CBP, et al
1:25-cv-00296-3JP	Schnitzer Steel Canada Ltd. et al v. U.S. CBP, et al
1:25-cv-00297-3JP	Toyota Tshusho America, Inc. v. U.S. CBP, et al
1:25-cv-00301-N/A	Goody Foods Corporation v. U.S. CBP, et al
1:25-cv-00302-N/A	Lilla P LLC v. U.S. CBP, et al
1:25-cv-00304-N/A	NP U.S.A., Inc. v. U.S. CBP, et al
1:25-cv-00305-N/A	Sherrill Inc. dba Vertical Supply Group et al v. U.S. CBP, et al
1:25-cv-00306-N/A	Stone Showcase, Inc. v. U.S. CBP, et al
1:25-cv-00308-N/A	Alcoa USA Corp. et al v. U.S. CBP, et al
1:25-cv-00309-N/A	OSI Electronics, Inc. et al v. U.S. CBP, et al
1:25-cv-00310-N/A	EssilorLuxottica et al v. U.S. CBP, et al
1:25-cv-00311-N/A	Astronics Corporation v. U.S. CBP, et al
1:25-cv-00316-N/A	Costco Wholesale Corporation v. U.S. CBP, et al

(Collectively, the “IEEPA Suspension Cases.”)

II. Grounds for Consolidation

A. Common Legal and Factual Questions

Each action challenges the same tariff measures imposed under IEEPA and asserts the same statutory and constitutional defects addressed in *V.O.S. Selections v. Donald J. Trump et al*, 149 F.4th 1312 (Fed. Cir. 2025), *cert. granted*, No. 25-250, 2025 WL 2601020 (U.S. Sept. 9, 2025). The complaints are materially identical in allegations, theories, and ultimate requested relief.

B. Identical Interim Objective: Suspension of Liquidation Pending VOS

Each plaintiff intends to move for a preliminary injunction suspending liquidation of covered entries. All plaintiffs seek identical interim relief to preserve their refund rights and the Court's jurisdiction while the Supreme Court considers the *V.O.S. Selections* appeal. Without such relief, entries will likely liquidate by operation of law before that decision issues.

C. Efficiency and Consistency

For the same reasons given in the motion leading to the Original Consolidation Order, consolidation of the IEEPA Suspension Cases with the AGS docket will prevent duplicative preliminary injunction briefing, avoid inconsistent scheduling and rulings, and conserve the resources of the Court and all parties. Because the United States has consented, no prejudice exists.

III. Relief Requested

The parties jointly and respectfully request that the Court:

1. Consolidate the IEEPA Suspension Cases with the AGS docket (No. 25-00255) under USCIT Rule 42(a);

2. Designate the AGS docket (No. 25-00255) as the consolidated case number for filings that apply to all consolidated cases; and
3. Grant any further relief the Court deems just and appropriate.

Respectfully submitted,

/s/ Daniel W. Wolff

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[PROPOSED] ORDER OF CONSOLIDATION
UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE
GARY S. KATZMANN, JUDGE, TIMOTHY REIF, JUDGE, JANE A. RESTANI, JUDGE

COSTCO WHOLESALE CORPORATION

Plaintiff,

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U.S. CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT, in his
official capacity as Commissions of U.S.
Customs and Border Protection; and the
UNITED STATES OF AMERICA

Defendants.

No. 25-00316

[PROPOSED] ORDER

Upon consideration of the Consent Motion to Consolidate filed by the parties in the actions listed therein, and all other pertinent papers, and upon consent of the United States, it is hereby:

ORDERED that the Motion is GRANTED; and it is further

ORDERED that the following actions are consolidated pursuant to USCIT Rule 42(a) with the cases that were consolidated by the Court's order of November 20, 2025, the Original Consolidation Order, ECF No. 9:

1:25-cv-00281-3JP Illuminate USA LLC v. U.S. CBP, et al

1:25-cv-00285-3JP Moog Inc., et al v. U.S. CBP, et al

1:25-cv-00286-3JP LONGI Solar Tech., Inc. v. U.S. CBP, et al

1:25-cv-00288-3JP Ushio America, Inc. et al v. U.S. CBP, et al

1:25-cv-00290-3JP Chromalloy San Diego Corp. et al v U.S. CBP, et al

1:25-cv-00292-3JP Toyota Tshusho Canada, Inc. et al v. U.S. CBP, et al

1:25-cv-00293-3JP iFIT, Inc. v. U.S. CBP, et al

1:25-cv-00294-3JP Industrial Tech Services, Inc. v. U.S. CBP, et al
1:25-cv-00295-3JP Toyota Tshusho Nexty Electronics America, Inc. v U.S. CBP, et al
1:25-cv-00296-3JP Schnitzer Steel Canada Ltd. et al v. U.S. CBP, et al
1:25-cv-00297-3JP Toyota Tshusho America, Inc. v. U.S. CBP, et al
1:25-cv-00301-N/A Goody Foods Corporation v. U.S. CBP, et al
1:25-cv-00302-N/A Lilla P LLC v. U.S. CBP, et al
1:25-cv-00304-N/A NP U.S.A., Inc. v. U.S. CBP, et al
1:25-cv-00305-N/A Sherrill Inc. dba Vertical Supply Group et al v. U.S. CBP, et al
1:25-cv-00306-N/A Stone Showcase, Inc. v. U.S. CBP, et al
1:25-cv-00308-N/A Alcoa USA Corp. et al v. U.S. CBP, et al
1:25-cv-00309-N/A OSI Electronics, Inc. et al v. U.S. CBP, et al
1:25-cv-00310-N/A EssilorLuxottica et al v. U.S. CBP, et al
1:25-cv-00311-N/A Astronics Corporation v. U.S. CBP, et al
1:25-cv-00316-N/A Costco Wholesale Corporation v. U.S. CBP, et al

(Collectively, the “IEEPA Suspension Cases.”)

and it is further

ORDERED that AGS Company Automotive Solutions shall be Lead Plaintiff and Consol. Court No. 25-00255 shall be the consolidated case number for filings that apply to all consolidated cases; and it is further

ORDERED that the consolidated actions shall proceed under such further orders as the Court may issue.

SO ORDERED.

Dated: _____

New York, NY

[Judge Assigned]

Judge, U.S. Court of International Trade