

CIT Outlines Next Steps for China Section 301 Litigation

Brooke M. Ringel

December 8, 2025

As [previously reported](#), on September 25, 2025, the U.S. Court of Appeals for the Federal Circuit affirmed the U.S. Court of International Trade's (CIT) decision upholding the Section 301 China tariffs imposed during President Trump's first term. On December 3, 2025, following a status conference with the parties, the CIT issued a procedural order for the future disposition of the litigation depending on the lead plaintiffs' decision whether to appeal the case to the U.S. Supreme Court. For companies that filed similar complaints stayed under the master litigation, those claims remain stayed and the status quo continues at least until early 2026. Plaintiffs in those stayed cases may, however, voluntarily dismiss their cases at any time before the court establishes additional procedures in response to Supreme Court review (or lack thereof).

The Federal Circuit's September 25 judgment triggered two options for the plaintiffs/appellants to litigate further: either file with the Federal Circuit a petition for rehearing or rehearing *en banc* (by the full court) within 45 days of judgment (by November 10, 2025) or file with the U.S. Supreme Court a petition for *writ of certiorari* ("cert petition") within 90 days of judgment (by December 24, 2025). The plaintiffs/appellants did not request rehearing by the Federal Circuit and the Federal Circuit mandate (i.e., certified judgment and opinion representing the final notification of the court's decision) issued to the CIT on November 17, 2025. The plaintiffs, however, still have time and the option to appeal the case to the Supreme Court.

Following a videoconference status hearing before the CIT including the lead plaintiffs (importer HMTX Industries LLC and its co-plaintiffs), the U.S. Government, and the Plaintiffs' Steering Committee (on behalf of other parties with an interest in the master litigation), the CIT panel overseeing the case (Chief Judge Barnett and Judges Kelly and Choe-Groves) issued a procedural order outlining the path forward for the litigation. According to the December 3 order:

- The lead plaintiffs are required to notify the CIT whether they have filed a cert petition with the Supreme Court within seven (7) days of such a filing, or within seven (7) days of the deadline to do so if no cert petition is filed (i.e., plaintiffs do not intend to seek further judicial review).
 - On December 4, 2025, the Supreme Court granted the lead plaintiffs an extension of the deadline to file a cert petition from December 24 to February 20, 2026.
 - Notably, in requesting an extension of time, the plaintiffs asserted that an extension was supported by good cause because it would allow time for Supreme Court's ruling in the [IEEPA case](#) (*Trump v. V.O.S. Selections, Inc.*) on the significant statutory construction and constitutional questions that are presented in that case, which may have a bearing on this one.
- If a cert petition is filed with the Supreme Court, the automatic stay of all related cases (over

4,000) filed by other parties and other procedural orders will remain in effect.

- If a cert petition is not filed (or the lead plaintiffs notify the CIT before the deadline of their decision not to appeal to the Supreme Court), the CIT will issue procedural orders governing further proceedings in the stayed cases. If the plaintiffs in those stayed cases have specific additional claims raised in their complaints that they wish to litigate, they will be given an opportunity to do so. Absent further litigation, the CIT will also establish a “streamlined” (and likely automatic) procedure for dismissing stayed cases.

If your company filed a complaint at the CIT challenging the legality of the China Section 301 tariffs that is currently stayed, you have two near-term options:

You may choose to do nothing. Your case will remain stayed pending the lead plaintiffs’ decision regarding an appeal to the Supreme Court. If the plaintiffs file a cert petition, your case will remain stayed pending further instruction from the CIT – presumably depending on the course and outcome of litigation at the high court.

Or you may choose to voluntarily dismiss your CIT case according to standard court procedures, prior to any other process established by the CIT to govern all the related cases in the future. Specifically:

- For cases filed before April 1, 2021, any voluntary dismissal by the plaintiff(s) must be accompanied by a stipulation by all parties who have appeared, including U.S. Government defendants, pursuant to USCIT Rule 41(a)(1)(A)(ii) and Standard Procedure Order Nos. 21-01 and 21-04.
- For cases filed on or after April 1, 2021, the plaintiff(s) may file a notice of dismissal (without a stipulation from all parties) in accordance with USCIT Rule 41(a)(1)(A)(i) and [Administrative Order No. 21-02](#) (specifying that such cases are unassigned and stated without further action).

Please let us know if you would like more information or assistance in managing your company’s participation in this litigation as it continues.