

UNITED STATES COURT OF INTERNATIONAL TRADE

UNITED STATES,

Plaintiff,

v.

Court No. 11-00052

HARTFORD FIRE INSURANCE COMPANY,

Defendant.

COMPLAINT

Plaintiff, the United States, by and through its undersigned attorneys, brings this action and alleges the following:

1. This action is brought by the United States of America, on behalf of the Department of Homeland Security, United States Customs and Border Protection ("Customs"), to recover unpaid antidumping duties in the amount of \$1,800,000.00.

2. This court has jurisdiction to entertain this action pursuant to 28 U.S.C. § 1582(2).

3. Defendant Hartford Fire Insurance Company ("Hartford"), is a surety with its principal place of business at 1 Hartford Plaza, T-4, Hartford, CT 06155.

4. Between July 30, 2003 and August 31, 2003, importer Sunline Business Solution Corp. ("Sunline") made eight entries of crawfish tail meat through the port of Houston, Texas.

5. Pursuant to 19 C.F.R. Part 113, Hartford entered into eight single transaction bonds with Sunline, covering each of the eight entries for the following amounts (entries and single transaction bonds attached as Exhibit A): 1) entry no. K30-2002602-9: \$221,000.00;

2) entry no. K30-2002605-2: \$219,000.00; 3) entry no. K30-2002606-0: \$219,000.00;
4) entry no. K30-2002603-7: \$221,000.00; 5) entry no. K30-2002604-5: \$219,000.00; 6) entry
no. K30-2002659-9: \$219,000.00; 7) entry no. K30-2002660-7: \$219,000.00; 8) entry no.
K30-2002585-6: \$213,000.00.

6. Under the terms of these single transaction bonds, Hartford and Sunline jointly and severally promised to pay an amount totaling \$1,750,000.00.

7. Pursuant to 19 C.F.R. Part 113, on August 26, 2002, Hartford entered into a continuous bond (bond no. 270257330) with Sunline, effective as of August 30, 2002. A copy of the continuous bond is attached as Exhibit B.

8. Under the terms of the continuous bond, Hartford and Sunline jointly and severally promised to pay the United States an amount totaling \$50,000 per bond period.

9. Bond no. 270257330 was terminated on September 8, 2003.

10. The entries enumerated in paragraph 5, above, were subject to the Department of Commerce ("Commerce") Antidumping Duty Order A-570-848, Freshwater Crawfish Tail Meat from the People's Republic of China ("China"). 62 Fed. Reg. 41347 (August 1, 1997).

11. On October 20, 2004, Commerce published its final review results for the period of September 1, 2002 to August 31, 2003, for A-570-848. 69 Fed. Reg. 61636.

12. On December 14, 2004, Commerce issued liquidation instructions directing Customs to liquidate entries of freshwater crawfish tail meat entered during the review period at the rate of 223.01 percent if exported by Hubei Qianjiang Houhu Frozen & Processing Factory, among other exporters. Administrative Message 4349207.

13. Customs liquidated entry no. K30-2002602-9 on March 11, 2005, with antidumping duties in the amount of \$220,211.22, plus interest.

14. Customs liquidated entry no. K30-2002605-2 on March 11, 2005, with antidumping duties in the amount of \$218,692.53, plus interest.

15. Customs liquidated entry no. K30-2002606-0 on March 11, 2005, with antidumping duties in the amount of \$218,692.53, plus interest.

16. Customs liquidated entry no. K30-2002603-7 on March 11, 2005, with antidumping duties in the amount of \$220,211.22, plus interest.

17. Customs liquidated entry no. K30-2002604-5 on March 11, 2005, with antidumping duties in the amount of \$218,692.53, plus interest.

18. Customs liquidated entry no. K30-2002659-9 on March 11, 2005, with antidumping duties in the amount of \$218,692.53, plus interest.

19. Customs liquidated entry no. K30-2002660-7 on March 11, 2005, with antidumping duties in the amount of \$218,692.53, plus interest.

20. Customs liquidated entry no. K30-2002585-6 on March 11, 2005, with antidumping duties in the amount of \$212,176.17, plus interest.

21. Customs has received no payment of duties or interest owed in connection with these eight entries from the importer, Sunline.

22. On September 26, 2005, Customs sent a demand letter to Hartford seeking total payment of \$1,927,731.31 for unpaid duties and interest in connection with these eight entries. A copy of that letter is attached as Exhibit C.

23. On April 21, 2006, the Customs office of Assistant Chief Counsel, Indianapolis, sent a letter to Hartford demanding payment of unpaid duties and interest in connection with these eight entries. A copy of that letter is attached as Exhibit D.

24. To date, Hartford has not made any payments pursuant to its obligations under the single transaction bonds attached as Exhibit A.

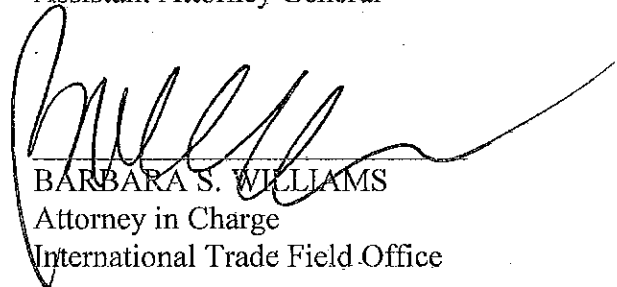
25. To the best of our knowledge and belief, Hartford exhausted continuous bond no. 27025733 for the bond coverage period of August 30, 2002 through August 29, 2003, through payment of \$50,000.00 toward duties owed in connection with other Sunline entries not at issue in this case.

26. To date, Hartford has not made any payments pursuant to its obligation under continuous bond no. 27025733 (attached as Exhibit B) for the bond coverage period commencing on August 30, 2003, and ending with the termination of the bond on September 8, 2003, with respect to the duties and interest that has accrued in connection with entry nos. K30-2002659-9 and K30-2002660-7.

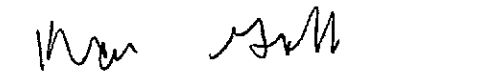
WHEREFORE, Plaintiff respectfully requests that judgment be entered in favor of the United States against defendant Hartford in the amount of \$1,800,000.00, together with pre- and post-judgment interest, costs, and such other and further relief as this Court may deem appropriate.

Respectfully submitted,

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March 11, 2011

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