

UNITED STATES COURT OF INTERNATIONAL TRADE
BEFORE:

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Court No. 11-00087
v.	:	
	:	
Y & L ENTERPRISE INC. and LINCOLN	:	
GENERAL INSURANCE COMPANY and	:	
AEGIS SECURITY INSURANCE	:	
COMPANY	:	
	:	
Defendants.	:	

COMPLAINT

Pursuant to the Rules of this Court, plaintiff, United States of America, alleges as follows:

1. This action is brought by the United States of America, on behalf of the Department of Homeland Security, and U.S. Customs and Border Protection (“Customs”), to recover unpaid duties and interest in the amount of \$351,847.33, plus pre- and post-judgment interest, as provided by law.
2. This court has jurisdiction over this matter under 28 U.S.C. §1582 (2) and (3).
3. Defendant Y&L Enterprise. Inc. (“Y & L”), at all time relevant to this matter, was a corporation and is located at 300 S. Garfield Ave., Suite 201, Monterey Park, CA 91745.
4. Defendant Aegis Security Insurance Company (“Aegis”), at all time relevant to this matter, was a Pennsylvania corporation authorized to issue surety bonds and is located at 2407 Park Drive, Harrisburg, PA 17105-3153.

5. Defendant Lincoln General Insurance Company (“Lincoln General”), at all time relevant to this matter, was a Pennsylvania corporation authorized to issue surety bonds and is located at 150 Northwest Point Boulevard, 2nd Floor, Elk Grove Village, IL 60007.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. Paragraphs 1 through 5 are incorporated by reference as though fully set forth herein.
7. On February 14, 2003, Y & L entered merchandise under Entry No. FS2-1031961-2 at the Los Angeles, California port of entry (port code 2704). A copy of the entry summary is attached in a sealed envelope as Exhibit A.
8. On February 14, 2003, Y & L entered merchandise under Entry No. FS2-10311427-4 at the Los Angeles, California port of entry (port code 2704). A copy of the entry summary is attached in a sealed envelope as Exhibit B.
9. The entries identified in paragraphs 14-15, above, were subject to the Department of Commerce (“Commerce”) Antidumping Duty Order A-570-848, Notice of Preliminary Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat From the People's Republic of China, 62 FR 14392 (March 26, 1997).
10. On October 20, 2004, Commerce published its final results for the period of review from September 1, 2002 to August 31, 2003, for Antidumping Duty Order A-570-848, 69 FR 61636.
11. In an Administrative Message dated December 14, 2004, Commerce issued liquidation instructions, directing Customs to liquidate entries of Freshwater Crawfish Tail Meat From the People's Republic of China filed during the period of review from September 1, 2002 to August 31, 2003, including the entries identified in paragraph nos. 7-8, above.

12. Entry Nos. FS2-1031961-2 and FS2-10311427-4 liquidated by operation of law under 19 U.S.C. §1504(d) on April 20, 2005.
13. Customs liquidated Entry No. FS2-1031961-2 on April 29, 2005, and assessed antidumping duties in the amount of \$130,066.12.
14. Customs liquidated Entry No. FS2-10311427-4 on April 29, 2005, and assessed antidumping duties in the amount of \$221,781.21.
15. Customs reliquidated Entry Nos. FS2-1031961-2 and FS2-10311427-4 on April 27, 2007.

COUNT I

16. Paragraphs 1 through 13 are incorporated by reference as though fully set forth herein.
17. By this Count I, plaintiff seeks to collect unpaid supplemental duties, fees, and interest from defendant Y & L.
18. In a letter dated November 19, 2009, Customs notified Y & L of four delinquent bills totaling \$650,623.85 owed by Y & L including \$151,345.29 in unpaid duties and interest owed in connection with Entry No. FS2-1031961-2 and \$258,065.21 in unpaid duties and interest owed in connection with Entry No. FS2-10311427-4. A copy of that letter is attached as Exhibit C.
19. Customs has received no payment of duties or interest owed in connection with Entry Nos. FS2-1031961-2 and FS2-10311427-4 from the importer, Y & L.

COUNT II

20. Paragraphs 1 through 13 are incorporated by reference as though fully set forth herein.
21. By this Count II, plaintiff seeks to collect unpaid supplemental duties, fees, and interest up to the limit of each of two single transaction bonds (“STBs”) executed by Lincoln General.

22. Pursuant to 19 C.F.R. Part 113, on February 14, 2003, Defendant Lincoln General entered into a single transaction bond (bond no. 714EWA27043003) with Y & L. A copy of the bond is attached as Exhibit D.
23. Pursuant to 19 C.F.R. Part 113, on February 14, 2003, Defendant Lincoln General entered into a single transaction bond (bond no. 714EWA27043005) with Y & L. A copy of the bond is attached as Exhibit E.
24. Under the terms of single transaction bond no. 714EWA27043003, Lincoln and Y & L jointly and severally promised to pay the United States an amount up to the limit of liability of \$130,067.00 related to Entry No. FS2-1031961-2.
25. Under the terms of single transaction bond no. 714EWA27043005, Lincoln and Y & L jointly and severally promised to pay the United States an amount up to the limit of liability of \$221,782.00 related to Entry No. FS2-10311427-4.
26. Beginning in January 2008, Customs made demand upon Lincoln General for payment of amounts owed for the two entries via the 612 report, a monthly report sent by the Customs Revenue Division to each surety identifying the surety's open bills by importer name.
27. In a letter dated November 19, 2009, Customs notified Lincoln General of two delinquent bills totaling \$409,410.50 owed by Y & L including \$151,345.29 in unpaid duties and interest owed in connection with Entry No. FS2-1031961-2, and \$258,065.21 in unpaid duties and interest owed in connection with Entry No. FS2-10311427-4, and advised Lincoln General that it was liable for the payment of these outstanding bills pursuant to single transaction bonds (bond nos. 714EWA27043003 and 714EWA27043005) issued by it. A copy of that letter is attached as Exhibit F.

28. To date, Lincoln has not made any payments pursuant to its obligation under single transaction bond nos. 714EWA27043003 and 714EWA27043005 with respect to the duties and interest that has accrued in connection with Entry Nos. FS2-1031961-2 and FS2-10311427-4.

COUNT III

29. Paragraphs 1 through 13 are incorporated by reference as though fully set forth herein.
30. By this Count III, plaintiff seeks to collect unpaid supplemental duties, fees, and interest up to the limit of the continuous bond executed by Aegis.
31. Pursuant to 19 C.F.R. Part 113, on October 31, 2002, Defendant Aegis entered into a continuous bond (bond no. 270271024) with Defendant Y & L, effective November 6, 2002. A copy of the bond is attached as Exhibit G.
32. Bond no. 270271024 was in effect for the bond period from November 6, 2002 to November 5, 2003.
33. Under the terms of the continuous bond, Aegis and Y & L jointly and severally promised to pay the United States an amount totaling \$100,000 per bond period.
34. Beginning in June 2005, Customs made demand upon Aegis for payment of amounts owed for the two entries via the 612 report, a monthly report sent by the Customs Revenue Division to each surety identifying the surety's open bills by importer name.
35. In a letter dated November 19, 2009, Customs notified Aegis of four delinquent bills totaling \$650,623.85 owed by Y & L including \$151,345.29 in unpaid duties and interest owed in connection with Entry No. FS2-1031961-2, and \$258,065.21 in unpaid duties and interest owed in connection with Entry No. FS2-10311427-4, and advised Aegis that

it was liable for \$100,000 pursuant to its continuous bond (bond no. 270271024). A copy of that letter is attached as Exhibit H.

36. To date, Aegis has not made any payments pursuant to its obligation under bond no. 270271024 with respect to the duties and interest that has accrued in connection with Entry Nos. FS2-1031961-2 and FS2-10311427-4.

WHEREFORE, plaintiff respectfully requests that judgment be entered in favor of the United States against defendants Y & Land Lincoln, in the amount of \$351,847.33, and against defendant Aegis in the amount of \$100,000.00, together with pre- and post-judgment interest, costs, and such other and further relief as this Court deems just and proper.

Respectfully Submitted,
TONY WEST
Assistant Attorney General

By: /s/ Barbara S. Williams
BARBARA S. WILLIAMS
Attorney in Charge
International Trade Field Office

/s/ Amy M. Rubin
AMY M. RUBIN
Civil Division, Dept. of Justice
Commercial Litigation Branch
26 Federal Plaza – Suite 346
New York, NY 10278
Attorneys for Defendant
Tel. (212) 264-9230 or 9237

Dated: April 8, 2011
New York, New York