



UNITED STATES COURT OF INTERNATIONAL TRADE
ONE FEDERAL PLAZA
NEW YORK, NY 10278-0001

CHAMBERS OF
RICHARD K. EATON
SENIOR JUDGE

June 3, 2026

Claudia Burke, Esq.
U.S. Department of Justice
Commercial Litigation Branch Civil Division
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044

RE: *V.O.S. Selections, Inc. v. United States*, Court No. 25-00066

Dear Ms. Burke,

I note in the Government's papers, that it objects to the court's order that the Commissioner Rodney S. Scott appear and testify at next week's hearing because "the court did not explain why testimony from [Commissioner Scott] was necessary at all."

All of the substantive law in this case has either been decided by the Supreme Court, or is the subject of settled law. All that remains are, what might be termed, settlement negotiations. These negotiations are over just how the required refund of IEEPA duties will be accomplished. It is often the case in settlement negotiations that someone with, what in other contexts would be termed settlement authority, be in the room. Commissioner Scott's presence will be analogous with that of a person with settlement authority. While he will not be asked to settle anything, Commissioner Scott will be made aware of all that has transpired and what is likely to transpire in the negotiations. These are things that will be useful for him to know when making decisions as matters move forward. In addition, Commissioner Scott will be asked to answer questions about any steps Customs has taken to comply with the order. There is \$166 billion at stake.

Kindly transmit a copy of this letter to the Court of Appeals for the Federal Circuit, which may want to consider these reasons why Commissioner Scott's presence is necessary.

Very truly yours,

/s/ Richard K. Eaton

Judge