



Tariff-related Litigation Update

August 15, 2025



ReedSmith

Tariffs Imposed Under IEEPA

“Fentanyl” Tariffs

- **Canada:** 35% *ad valorem* on most goods that are not entered duty free under the United States-Mexico-Canada Agreement (USMCA)
 - Exec. Order 14193, as amended
- **China:** 20% *ad valorem*
 - Exec. Order 14195, as amended
- **Mexico:** 25% *ad valorem* on most goods that are not entered duty free under the USMCA
 - Exec. Order 14194, as amended
 - Threatened to increase to 30% on August 1 but has not increased yet

Reciprocal Tariffs (Exec. Order 14257, as amended)

- **Baseline:** 10% *ad valorem*
 - Applies to all foreign-origin goods **except** goods originating in Belarus, Canada, Cuba, Mexico, North Korea, and Russia
- **Country-specific rates:** 0-40% *ad valorem*
 - Cover over 50 countries
 - China’s country-specific rate is scheduled to go into effect on November 10
- **Exceptions:**
 - Aluminum articles and derivatives, automobiles, automobile parts, semi-finished copper products and intensive copper derivative products, and steel articles and derivatives subject to Section 232 tariffs
 - Canadian- and Mexican-origin goods
 - Goods listed in Annex II to Exec. Order 14257

Tariffs Imposed Under IEEPA

Brazil Tariffs (Exec. Order 14323)

- **Rate:** 40% *ad valorem*
 - In addition to the 10% *ad valorem* baseline reciprocal tariff
- **Exceptions:**
 - Aluminum articles and derivatives, automobiles, automobile parts, and steel articles and derivatives subject to Section 232 tariffs
 - Goods listed in Annex I to Exec. Order 14323

Secondary Tariffs on India (Exec. Order 14329)

- **Rate:** 25% *ad valorem*
 - In addition to India's 25% *ad valorem* country-specific reciprocal tariff rate
- **Exceptions:**
 - Goods listed in Annex II to Exec. Order 14257
 - Aluminum articles and derivatives, automobiles, automobile parts, and steel articles and derivatives subject to Section 232 tariff
- **Not currently being challenged in pending litigation**

Status of Legal Challenges to the IEEPA Tariffs

V.O.S. Selections v. Trump (Fed. Cir. May 28, 2025) *Oregon v. Trump* (Fed. Cir. May 28, 2025)

- **Tariffs challenged:** “fentanyl” and reciprocal tariffs
- Consolidated appeal
- Court of International Trade (CIT) rulings enjoining the “fentanyl” and reciprocal tariff executive orders stayed pending appeal
- **Briefing schedule:**
 - June 24 – opening brief (filed)
 - July 8 – response briefs (filed)
 - July 18 – reply brief (filed)
- **Amicus briefs to date:** 19 briefs, including The Chamber of Commerce of the United States, 191 members of Commerce, Consumer Watchdog, and Cato Institute
- **Oral argument:** held on July 31

Learning Resources v. Trump (D.C. Cir. May 30, 2025) *Learning Resources v. Trump* (U.S. June 17, 2025)

- **Tariffs challenged:** China “fentanyl” tariff and reciprocal tariffs
- District court’s preliminary injunction stayed pending government’s appeal
- **Briefing schedule:**
 - June 27 – Appellants’ brief (filed)
 - July 23 – Appellees’ brief (filed)
 - August 18 – reply brief
- Plaintiffs filed a petition for a writ of certiorari before judgment with the Supreme Court, which remains pending
 - Government’s response filed July 17
 - Petitioners’ reply filed August 5
 - Distributed for conference on September 29

Status of Legal Challenges to the IEEPA Tariffs

Emily Ley Paper, Inc. v. Trump (Ct. Int'l Trade May 23, 2025)

- **Tariffs challenged:** China “fentanyl” tariff
- Stayed pending final, unappealable decision in V.O.S.
- Plaintiffs’ motion to reconsider denied

Webber v. U.S. Department of Homeland Security (D. Mont. Apr. 4, 2025)

Webber v. U.S. Department of Homeland Security (9th Cir. Apr. 28, 2025)

- **Tariffs challenged:** Canada “fentanyl” tariff, Section 232 tariffs on steel and aluminum, and reciprocal tariffs
- Transferred to CIT
- Appeal pending before Ninth Circuit
- **Ninth Circuit briefing schedule:**
 - June 9 – opening brief (filed)
 - July 28 – answering brief (filed)
 - August 18 – reply brief
- **Ninth Circuit oral argument:** Sept. 17 at 10:00 a.m. (PT)

California v. Trump (N.D. Cal. Apr. 16, 2025)

California v. Trump (9th Cir. June 3, 2025)

- **Tariffs challenged:** “fentanyl” and reciprocal tariffs
- Dismissed due to lack of jurisdiction (June 2)
- Appeal pending before Ninth Circuit
- **Ninth Circuit briefing schedule:**
 - June 30 – opening brief (filed)
 - July 28 – answering brief (filed)
 - August 18 – reply brief
- **Ninth Circuit oral argument:** Sept. 17 at 10:00 a.m. (PT)

Status of Legal Challenges to the IEEPA Tariffs

Johanna Foods v. Executive Office of the President (Ct. Int'l Trade July 18, 2025)

- **Tariffs challenged:** additional Brazil tariffs
- Stayed pending a final, unappealable order in V.O.S.