

**UNITED STATES COURT OF INTERNATIONAL TRADE**

Before: Unassigned

CSC SUGAR LLC	
	Plaintiff,
v.	
UNITED STATES	
	Defendant.

Court No. 17-00214

**COMPLAINT**

Plaintiff in the above captioned case, CSC Sugar LLC, a company headquartered in New Canaan, Connecticut (“CSC” or “Plaintiff”), seeks judicial review of the International Trade Administration, United States Department of Commerce’s (“Commerce” or “DOC”) decision in Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation (“Suspension Agreement Determination”). The determination was published in the *Federal Register* on July 11, 2017 (82 Fed. Reg. 31942). By and through its attorneys, Plaintiff alleges and states as follows:

**JURISDICTION**

1. Plaintiff brings this action pursuant to section 516A(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (“the Act”) (19 U.S.C. § 1516a(a)(2)(B)(iv)) to seek judicial review of certain factual findings and legal conclusions set forth in the Suspension Agreement Determination, which was issued pursuant to 19 U.S.C. §1671c.
2. The Court has jurisdiction pursuant to 28 U.S.C. § 1581(c) and 19 U.S.C. § 1516a(a)(2).

### STANDING OF PLAINTIFF

3. Plaintiff is both a U.S. producer, and an importer, of the subject merchandise. Plaintiff was a party to and participated in the underlying Commerce Department countervailing duty proceeding now being contested, and is an interested party pursuant to 19 U.S.C. §§ 1677(9)(A) and (C), and 1516a(d) and (f)(3). As such, Plaintiff has standing to bring this action under 19 U.S.C. § 1516a(d) and 28 U.S.C. § 2631(c).

### TIMELINESS OF THIS ACTION

4. Commerce published its notice of the Final Results in the *Federal Register* on July 11, 2017. Plaintiff filed its Summons on August 10, 2017, within the 30-day period provided by law pursuant to sections 516A(a)(2)(A)(i)(II) and 516A(a)(2)(B)(i) of the Act (19 U.S.C. §§ 1516a(a)(2)(A)(i)(II) and 1516a(a)(2)(B)(i) and Rule 6(a) of this Court.

5. Plaintiff files this Complaint within the time specified in section 516A(a)(2)(A) of the Act (19 U.S.C. § 1516a(a)(2)(A)) and 28 U.S.C. § 2636(c), which is within 30 days of the filing of the Summons.

### STATEMENT OF FACTS

6. On March 28, 2014, the American Sugar Coalition and its members filed a petition with DOC and the U.S. International Trade Commission (“ITC”) alleging that imports of sugar from Mexico were being sold at less than fair value and were being subsidized. As a result of that petition the ITC conducted an investigation as to whether there was a reasonable indication of material injury, or threat thereof, by reason of imports of such dumped or subsidized sugar from Mexico. The ITC published its determination in Sugar from Mexico, Inv. Nos. 701-TA-513 and 731-TA-1249 (Preliminary), USITC Pub. 4467 (May 2014) (“ITC Prelim.”).

7. The ITC stated (ITC Prelim. at 6) that:

Sugar within the scope of this investigation includes raw sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of less than 99.5 degrees) and estandar or standard sugar which is sometimes referred to as “high polarity” or “semi-refined” sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.2 to 99.6 degrees). Sugar within the scope of this investigation includes refined sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of at least 99.9 degrees.

Thus, sugar with at least 99.5 degrees polarity was not considered to be raw or “other” sugar but rather refined sugar.

8. Following the ITC preliminary determination DOC determined that countervailable subsidies were being supplied to producers and exporters of sugar from Mexico. DOC published its preliminary determination on the countervailing duty case in Sugar From Mexico: Preliminary Affirmative Countervailing Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination, on September 2, 2014, 79 Fed. Reg. 51956.

9. DOC also made a preliminary determination that sugar from Mexico was being sold, or likely to be sold, into the United States at less than fair value. Sugar From Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 79 Fed. Reg. 65189 (November 3, 2014).

10. Both the DOC’s preliminary countervailing duty (“CVD”) determination, published on September 2, 2014, and the antidumping determination, published on November 3, 2014, defined sugar at less than a polarity of 99.5 as raw sugar and only sugar at a polarity of 99.5 and above as refined sugar.

11. Following those preliminary determinations, DOC and the Government of Mexico signed suspension agreements on December 19, 2014. Notices of the suspension agreements were

published on December 29, 2014. Sugar From Mexico: Suspension of Countervailing Duty Investigation, 79 Fed. Reg. 78044 (December 29, 2014) and Sugar From Mexico: Suspension of Antidumping Investigation, 79 Fed. Reg. 79039 (December 29, 2014). Both agreements define “refined sugar” as sugar with polarity of 99.5 and above.

12. Notwithstanding the suspension agreements, at the request of the domestic sugar industry DOC continued the investigations and made final determinations in both the CVD and antidumping investigations. Sugar From Mexico: Final Affirmative Countervailing Duty Determination, 80 Fed. Reg. 57337 (September 23, 2015) and Sugar From Mexico: Final Determination of Sales at Less Than Fair Value, 80 Fed. Reg. 57341 (September 23, 2015). No changes with regard to the definition of “refined sugar” were made in those determinations.

13. Beginning in June 2016, DOC and the Government of Mexico started negotiations regarding changes to the suspension agreements based on certain concerns raised by certain U.S. producers. DOC claimed in its July 11, 2017, notices that one of the purposes of its negotiations and the revised agreement was to “... ensure that the AD [or CVD] Suspension Agreement meets all of the statutory requirements for a suspension agreement, e.g., that suspension of the investigation is in the public interest, including the availability of supplies of sugar in the U.S. market. . . .” 82 Fed. Reg. at 31945 and 82 Fed. Reg. at 31942.

14. On June 14, 2017, DOC and the Government of Mexico initialed draft suspension agreement amendments for both the antidumping and CVD investigations. On June 17, 2017, DOC released draft memoranda purporting to explain how the draft amendments to the suspension agreements met the statutory requirements. The draft amendments proposed, among other items, that the definition of “refined sugar” be changed to 99.2 from the 99.5 polarity that had been applied consistently as the definition of “refined sugar” by DOC and the ITC to all

determinations in these investigations, since their beginning in 2014. The draft AD memorandum stated at page 12 that: “These changes, which move the dividing line between Refined and Other Sugar down to 99.2 from 99.5 degrees and add shipping conditions for Other Sugar, address the concern that a significant portion of Other Sugar is bypassing cane refiners for direct consumption or end use.” (Emphasis added). The draft memorandum on the same page made explicit that the changes were designed to give a competitive advantage to one segment of the domestic industry, the U.S. refiners of cane sugar, saying:

The petitioner has asserted that the sale of Mexican “estandar, standard, or semi-refined sugar subject to the lower reference price of Other Sugar in the original Agreement hinders the competitiveness of the U.S. cane sugar refiners by diminishing the supply of Mexican sugar for their processing operations, supplanting their sales of refined sugar, and suppressing U.S. prices for refined sugar.

(Emphasis added).

15. The draft agreement included a provision requiring that “other sugar,” *i.e.*, sugar not refined, be transported free-flowing in ocean vessels, thus making it unfit to go directly into consumption, due to the possibility of contamination. No explanation was provided by DOC in the draft as to why any concerns regarding selling for direct consumption were not already addressed by the draft agreements requiring such bulk shipments in ocean vessels, nor how the change in polarity does anything to further the goal of avoiding lower polarity sugar going into direct consumption that is not already accomplished by requiring the bulk shipments in ocean vessels. In sum, there is no explanation as to how the new polarity requirement does anything but simply undermine the business model of one domestic competitor, the Plaintiff.

16. The countervailing duty draft memorandum (at 8) claims, in discussing the effects of the draft agreement on the public interest, that: “Furthermore, . . . the amended definitions of Refined Sugar and Other Sugar will ensure an adequate supply of input material to the U.S.

industry for further processing, a crucial benefit that will not be guaranteed with a countervailing duty order.” However, in May 2014, the ITC had discussed the nature of the U.S. sugar industry in its preliminary injury determination and found that Plaintiff CSC, which produces liquid sugar from sugar imports, was part of the U.S. sugar industry. Sugar from Mexico, Inv. Nos. 701-TA-513 and 731-TA-1249 (Preliminary), USITC Pub. 4467 (May 2014) at 14-16. In asserting an assurance of “an adequate supply,” in the current DOC determination no mention is made of the part of the U.S. industry producing liquid sugar, and only cane sugar refiners are mentioned as benefitting. The countervailing duty draft memorandum also claims that the Agreement will enhance and not negatively impact, “the competitiveness of the domestic industry producing the like merchandise.” But no mention is made, nor any analysis provided, of the competitiveness of the portion of that industry producing liquid sugar.

17. Following the issuance of the draft memorandum, Plaintiff filed comments *pro se* with DOC on June 21, 2017. Plaintiff, having been found to be part of the domestic industry for sugar production, focused its comments as follows (at page 1): “Certain terms have been revised to specifically target our company while favoring our domestic competitors.” Among other things, the comments stated that: “The proposed terms will harm companies (including CSC Sugar LLC) that have processes designed for higher grade (higher polarization) raw sugar, and in turn jeopardizes hundreds of jobs.” Plaintiff argued that changing the definition of “refined sugar” is contrary to the standard that has been in place for at least 50 years in the U.S. and internationally. Plaintiff noted that all of the countries that are given quota access to the U.S. market have the international standard of 99.5 polarity applied as the definition of “refined sugar.” Plaintiff also pointed out that the assumptions incorporated into CSC’s business model relied on these longstanding assumptions, and DOC would be favoring one segment of the domestic industry

over another because the definitional change would result in decreases in higher polarity sugar needed by CSC, while the favored U.S. producers flood the market with imports of the lower polarity sugar.

18. The *Federal Register* notices published on July 11, 2017, for the amendments to the antidumping and CVD suspension agreements make no mention of the comments from Plaintiff regarding the lack of justification for the change in the well-established standard for the definition of “refined sugar” nor any explanation of how the public interest or the purposes of the antidumping and CVD laws were served by favoring one portion of the U.S. industry over another. However, those *Federal Register* notices both state: “The Department expects to place its written analysis of the changes made and response to comments on the record of the suspension agreement proceeding no later than July 14, 2017.” No such written analyses responding to the comments were placed on the record by that date. The memorandum with the analysis was not placed on the record until August 7, 2017.

19. Upon information and belief, several draft agreements were exchanged and several *ex parte* contacts were made during the course of the suspension agreement talks that were not placed on the record of this case. One example of such an *ex parte* contact is referred to in Exhibit 1 of this Complaint, an article from the *Financial Times* of May 31, 2017. The article (at 4) notes that Secretary of Commerce Wilbur Ross had discussions with his Mexican counterparts and told them that he needed “just 15 minutes to seal the deal with the US industry.” The article (at 4-5) also reports that there was a subsequent phone call with Secretary Ross and the U.S. industry. A spokesman for Secretary Ross disputed some of the details of the calls but did not dispute that they occurred. To the best of Plaintiff’s knowledge and belief, there have been no *ex parte* memoranda placed on the record regarding these calls.

20. The article in Exhibit 1 (at 2) also states, in referring to Mr. Jose “Pepe” Fanjul, who is reported to control Petitioner Florida Crystals along with his brother, Alfonso Fanjul:

Mr. Fanjul’s role in the sugar talks has been entirely behind the scenes, according to sources close to the talks. In recent weeks the sugar baron has visited Washington as part of the negotiations, according to one person close to the situation. He and his son have spoken multiple times to Mr. Ross by phone.

To the best of Plaintiff’s knowledge and belief, there have been no *ex parte* memoranda placed on the record regarding these calls.

### **STATEMENT OF THE CLAIMS**

#### **Count One**

21. Paragraphs 1 - 20 are incorporated herein by reference.

22. The determination by Commerce for the antidumping amendments to the suspension agreements is not supported by substantial evidence and is contrary to law because information required to be on the record, in accordance with 19 U.S.C. §351.104 and other provisions of law and regulations, has been omitted from the record.

#### **Count Two**

23. Paragraphs 1 - 22 are incorporated herein by reference.

24. Based on the information that has been placed on the record by DOC, the determinations by Commerce for the antidumping amendments to the suspension agreements regarding the definition and treatment of sugars (including refined and other sugars) are not supported by substantial evidence and are contrary to law.

### **PRAYER FOR RELIEF AND JUDGMENT**

WHEREFORE, Plaintiff respectfully requests that this Court:

(A) Enter judgment in favor of Plaintiff;



- (B) Grant Plaintiff leave to conduct discovery to determine the nature and details of all *ex parte* contacts not placed on the record;
- (C) Remand this proceeding to Commerce with instructions to define refined sugar as sugar of 99.5 polarity and above; and
- (D) Grant Plaintiff such additional relief as the Court may deem just and proper.

Respectfully submitted,

  
Counsel for Plaintiff

September 11, 2017

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# Exhibit 1

The Big Read US trade

## Wilbur Ross and the sugar barons: How a Mexican trade deal got sticky

Washington's frustrated efforts to settle a cross-border row offers a cautionary tale for Nafta renegotiation

MAY 31, 2017 by: Shawn Donnan in Washington and Jude Webber in Mexico City

The description reads like a Caribbean jet-set fantasy. By night there was dancing with actor George Hamilton and alfresco dinners at the local outpost of Le Cirque. By day there were boat trips to deserted beaches with Prince Dimitri of Yugoslavia. Breakfast was delivered to guests' villas on flower-laden platters and featured "the most heavenly freshly squeezed tomato juice".

"Gotta say, staying chez Fanjul is about as good as it gets," the author writes. "First of all there are no better hosts, more fun or adorable than Pepe and Emilia. Plus they happen to live in Paradise."

The travelogue would be little more than a high society vacation diary were it not for the individuals involved. Instead, the author's husband and her hosts are now two of the lead characters in one of the world's most sensitive trade negotiations, which has the potential to add a sugar war to a growing list of tensions between the US and Mexico.

Describing the 2009 trip was Hilary Geary Ross, socialite wife of Wilbur Ross, the billionaire investor who is now Donald Trump's commerce secretary. Their hosts at Casa de Campo, a Dominican Republic luxury resort: José "Pepe" Fanjul, the Cuban-born Florida sugar baron, and his wife Emilia.



Workers load a truck with sugar cane in southern Mexico

Eight years on, Mr Ross and Mr Fanjul are star players in a negotiation to resolve a bitter sugar dispute over Mexican

exports to the US by a June 5 deadline. Mexican negotiators fear Mr Fanjul — a longtime Republican donor and part owner of the UK sugar producer Tate & Lyle, which lobbied for Brexit — is secretly pulling the political strings.

The sugar talks are a dress rehearsal for bigger negotiations due later this year to update the North American Free Trade Agreement that governs Canada, Mexico and the US's commerce in everything from cars to corn. And that makes them an early test for President Donald Trump, who regularly boasts of his dealmaking prowess.

But they also serve as an example of the minefield of interests and powerful lobbies the Trump administration has to navigate as it sets out to renegotiate Nafta. And they are drawing attention to the unusual personal relationships that billionaire members of Mr Trump's cabinet such as Mr Ross, a former Rothschild banker who made his fortune turning around distressed businesses, have brought into government.

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Mr Ross and Mr Fanjul have never done business together. But they have known each other for years, largely through the New York and Palm Beach society circuits. The two men have also found common purpose in politics. Mr Fanjul is a longtime patron of Marco Rubio, but became a major donor to the Trump campaign after the Florida senator's presidential bid collapsed last year.

When Mr Ross hosted a Trump fundraiser last July at his home in Southampton, Long Island, Mr Fanjul was part of the exclusive "host committee". That day, according to campaign finance records collated by the Center for Responsive Politics, he donated \$94,600 to the Republican party and \$5,400 to the Trump campaign.

Mr Fanjul's role in the sugar talks has been entirely behind the scenes, according to sources close to the talks. In recent weeks the sugar baron has visited Washington as part of the negotiations, according to one person close to the situation. He and his son have also spoken multiple times to Mr Ross by phone.

Florida Crystals, the company controlled by Pepe Fanjul and his older brother, Alfonso "Alfy" Fanjul, declined repeated requests for comment. An industry spokesman tasked with responding by the company said: "Who attended meetings or had conversations is immaterial to the case at hand."



Jose 'Pepe' Fanjul (left) and Wilbur Ross © FT montage / Getty

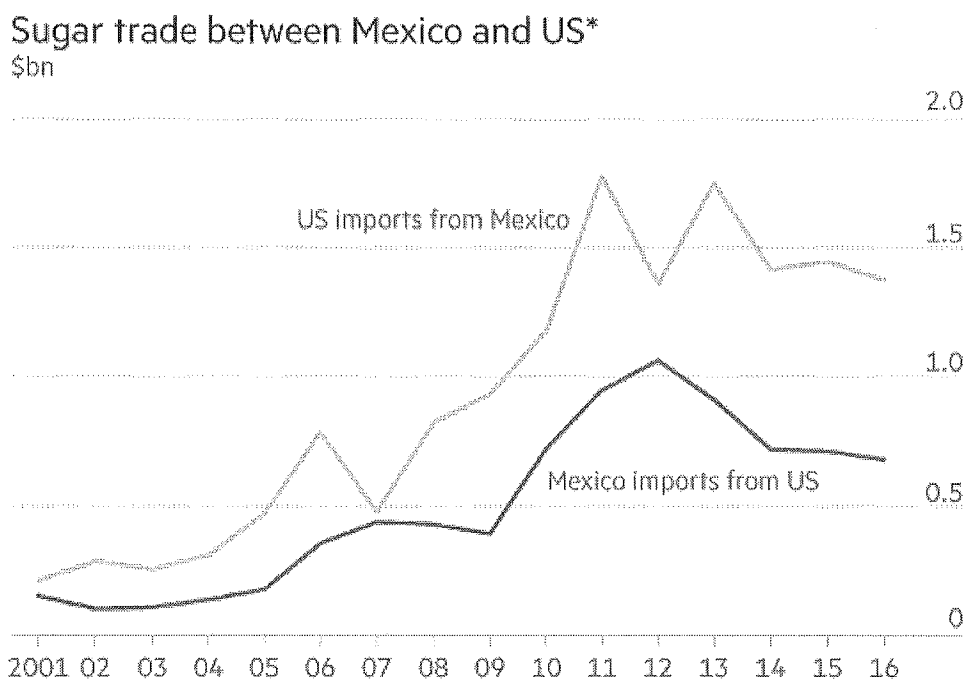
But Pepe's involvement should not be a surprise. The brothers are major players in both the US sugar industry and the country's politics. The family once owned vast plantations in Cuba but were kicked out by Fidel Castro. "We do not want what happened in Cuba to happen to us again," Alfy Fanjul told *Vanity Fair* in a rare interview in 2001.

In 2016 the Fanjul brothers each donated more than \$300,000 to political campaigns, with Pepe focused on Republicans and Alfy, a longtime Clinton supporter who had a bit part in the Monica Lewinsky scandal, preferring Democratic causes. Their family holding company, Fanjul Corp, donated more than \$1.1m in 2016, according to data collected by the CRP.

That push into politics is part of a bigger campaign by an industry that in Washington is known simply as "Big Sugar" and has been flexing its muscles in the latest talks. Long considered one of the biggest beneficiaries of US subsidies and protectionism, the industry donated \$11.2m to political campaigns in 2016 and it has gone all out in recent weeks to urge the Trump administration to take a hard line on Mexico.

Its message is designed to resonate with a president who won last year's election in part by railing against Nafta and companies shifting jobs to Mexico.

"I think [Wilbur Ross] really understands this is about American sugar jobs going potentially to Mexico," says Jack Roney, director of economics and policy analysis for the American Sugar Alliance, the industry's voice in Washington.



\* Includes sugar confectionery  
Source: International Trade Centre

FT

A spokesman for the US commerce secretary would say only that the negotiations have been “difficult” and that Mr Ross remained hopeful a deal could be reached. But people close to the negotiations say the industry pressure appears to have contributed to a shift in the administration.

Mr Ross was initially conciliatory, portraying a deal as an easy way to rebuild confidence with Mexico after an acrimonious start to the year.

“It is my hope that this will be the beginning of a long and fruitful relationship that will strengthen our nations,” he told reporters in March, after launching the latest round of negotiations during a visit from Ildefonso Guajardo, Mexico’s economy minister.

Privately, some Trump administration officials pitched the talks as a way to help the centrist government of Enrique Peña Nieto woo the 2m Mexicans working in the sugar industry. Those workers, they warned, represented a natural constituency for Andrés Manuel López Obrador, the leftwing populist leading in the polls ahead of elections next year. A victory for the man known as “Amló” would inevitably lead to a more confrontational relationship with the US.

However, once negotiations started, according to people involved, the tone shifted and has not budged since. At one point, according to people on both sides of the talks, Mr Ross told his Mexican counterparts by mobile phone that he needed just 15 minutes to seal the deal with US industry. When he called back 90 minutes later, says Juan Cortina, who as president of Mexico’s National Sugar Chamber has played a leading role in the talks, the message was blunt and Mr Ross sounded deflated.



Casa de Campo, Dominican Republic © WENN

Mr Cortina described how the conversation went: “He said, ‘I can’t sell it with my industry. They’ve always punched above their weight, they have lots of lobbyists in Congress and I can’t force them to accept. Take it or leave it, and if you don’t sign . . . I’ll put duties in place’.”

A spokesman for Mr Ross disputed that recounting of the call after this article’s initial publication. During the call the commerce secretary was only pointing out the cost of not reaching a deal, he said.

The dispute between Mexico and the US grew out of a collision between Washington’s long-running and controversial support for sugar growers and its obligations under Nafta, which in 2008 required the US to remove restrictions on Mexican imports.

Angered by what they claimed was a flood of cheap sugar, US producers responded by launching an anti-dumping case in 2014. Before punitive tariffs were introduced, a deal was negotiated that set a floor price and strict quotas for Mexican imports. But that deal collapsed last year after US producers accused Mexico of gaming the system.

Under the 2014 agreement Mexico, which expects to send almost 1m tonnes of sugar to the US this year, was allowed to send 53 per cent of its exports to the US as higher-value refined sugar. The US is pushing for Mexico to be forced to send 85 per cent of exports as less profitable raw sugar to be refined in US mills.

That has angered the Mexican sugar industry and prompted its own protectionist calls. In a letter last week Enrique Bojórquez, president of Sucroliq, Mexico’s biggest liquid sugar producer, urged the government to crack down on imports of high fructose corn syrup from the US. “The US does well to defend its farmers. In Mexico, they are sacrificed,” he says.

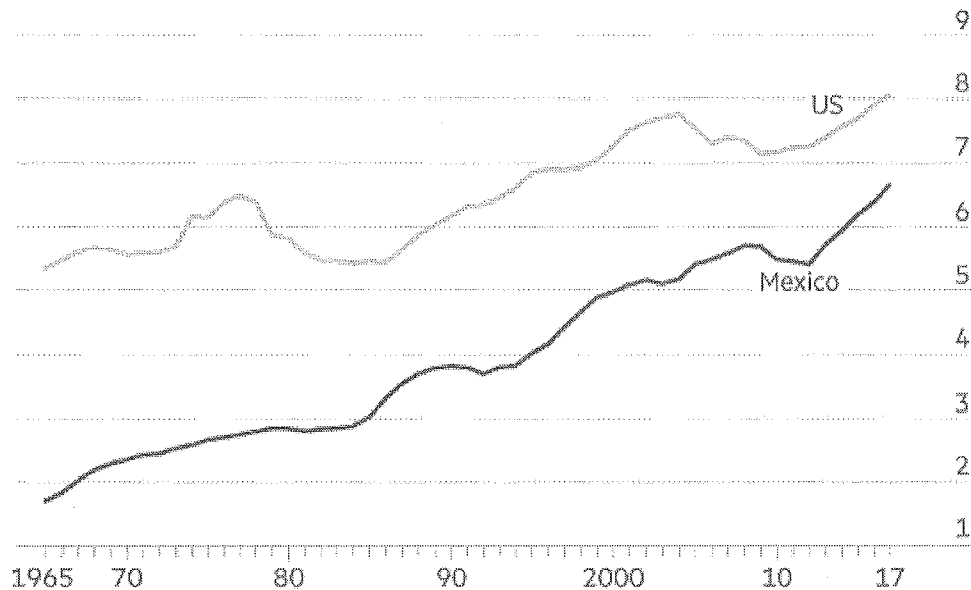
US farmers and refiners still accuse the Mexican industry of mounting a state-subsidised assault on their livelihoods and communities, pointing to a 2001 government rescue of the Mexican industry that saw 27 sugar mills nationalised with the last two returning to private hands only last year.

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“Last year I grew the very best [sugar beet] crop I have ever grown and I will lose money on it,” says John Snyder, a fifth-generation beet farmer from Worland, Wyoming, who until recently was the president of the American Sugarbeet Growers Association, a petitioner in the 2014 dumping case. “When [Mexican producers] were dumping all of that sugar in our market it depressed our prices substantially. And we’re living with the impact of that.”

## Sugar production

Rolling five-year averages (million tons)



Source: Thomson Reuters Datastream

FT

If no agreement is reached by June 5 Mr Ross has threatened to impose tariffs of 80 per cent or more on Mexican sugar imports. Mexico is already talking about retaliatory moves should that happen, an option made easier by its recent victory in a World Trade Organization case against US curbs on tuna that has given Mexico the legal right to levy \$163m a year in trade sanctions against Washington.

The talks hinge on complicated details — like tenths of percentage points in the “polarity”, or quality, of imported raw sugar. But the underlying discussions reveal more deep-seated suspicions. Mexican sugar producers believe they are the targets in another effort by the Fanjuls and US producers to shut them out of the US market.

“They want more [sugar] for their mills so [the aim is to] remove competition from Mexico and remove competition from [other companies] in the US. They want to become a monopoly in refined sugar cane,” says Mr Cortina.

Others close to the Mexican side see the episode as a display of the Fanjuls’ power in Congress and a lesson for the Trump administration in the difficulties of taking on a well-connected industry.

“Ross is sincerely trying to get a deal but Fanjul and his friends in Congress are putting a huge amount of pressure on him,” says James Glassman, a former senior US state department official who is helping the Mexican sugar chamber.



Also lined up against the Big Sugar industry are the confectionery makers and other sugar users. In a letter to Mr Ross last week, 51 members of Congress warned that imposing tariffs on Mexican sugar would only hurt US food companies, which complain they already pay an inflated price.

“This is a proposal that only a guy in the sugar industry in the United States could love,” says Bill O’Conner of the US Sweetener Users Association.

Mexico’s negotiating team still believes some on the US side want to torpedo any agreement.

That too would benefit the Fanjuls. The resort where Mr Ross and his wife were staying in 2009 is owned by the Fanjul family’s Central Romana, the Dominican Republic’s largest private sector company. Among its holdings are sugar cane plantations that export raw sugar to the US and would benefit from restrictions on their Mexican rivals.

It is also clear that it would be a blow to the Mexican sugar farmers and workers already alarmed at Mr Trump’s attacks on Mexican immigrants and his vow to build a border wall.

“That Trump is very angry. He’s mad at Mexicans. He’s racist and that’s why he doesn’t want Mexican sugar,” grumbles Carlos Vázquez, a 52-year-old mechanic at the Tala sugar mill near Guadalajara, who fears for his job if the US gets its way. “There could be a lot of lay-offs in Mexico.”

### **Louisiana: A protected industry still faces tough times**

Down in the cane growing areas of Louisiana, where farmers began harvesting sugar cane in the 1790s, the industry is preparing for its 223rd consecutive crop.

“It’s a crucial part of our history, our heritage and our economy,” says Jim Simon, general manager of the American Sugar Cane League, which represents Louisiana cane growers.

But Louisiana’s sugar industry is also in decline. When Mr Simon took over as general manager of the organisation in 2004, the state had 17 sugar mills and 750 cane farming families. Now it is down to 11 mills and 450 families.

That points to a peculiar paradox. US sugar farmers and producers have long been considered one of the biggest beneficiaries of political connections and trade protection. Besides restrictions on imports, Washington sets a floor price for sugar, guarantees loans and operates a production quota system that makes it hard for new domestic producers to enter the market.

But across the industry — from sugar beet growers in the Midwest to the cane fields of Louisiana — industry leaders complain of tough times. One factor, especially in sugar beet country where many farmers rely on multiple crops, is the fall of other commodity prices. Still, Mr Simon and others also blame Mexico and what he sees as other unfair competition.

The latest dispute with Mexico has nothing to do with broader debates about sugar policy or the

looming renegotiation of Nafta, they argue. It is simply about enforcing their victory in a 2014 anti-dumping case.

“Our farmers and millers can compete with any farm or mill in the world,” Mr Simon says. “But we can’t compete against their governments and we are not going to sit idly by and not [use] the laws that are put in place to protect.” *Shawn Donnan*

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Complaint** were served on the following parties by certified mail, return receipt requested, except where specified otherwise, on this day of September 11, 2017:

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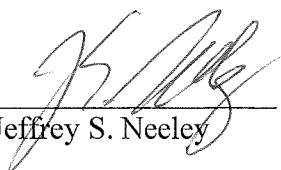
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