

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

**In the Matter of**

**CERTAIN VEHICLE CONTROL SYSTEMS,  
VEHICLES CONTAINING THE SAME, AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-1235**

**ORDER NO. 56: DENYING COMPLAINANTS' MOTION FOR  
RECONSIDERATION OF ORDER NO. 53 [1235-067]**

(September 27, 2021)

On September 20, 2021, Complainants Jaguar Land Rover Limited and Jaguar Land Rover North America, LLC ("JLR") moved for a reconsideration ("Motion") of the decision in Order No. 53 with respect to Mr. Sidders and JLR's Motion *in Limine* No. 1 to exclude his testimony. (Motion Docket No. 1235-067; Motion at 1.).

On September 21, 2021, Dr. Ing. h.c. F. Porsche AG, Porsche Cars North America, Inc., Volkswagen AG, Volkswagen Group of America, Inc., Automobili Lamborghini S.p.A., Automobili Lamborghini America, LLC, Audi AG and Audi of America, LLC (collectively, "Respondents") filed their opposition ("Opposition") to JLR's Motion. (Doc. ID No. 752203; Opposition at 1.).

JLR claims that Order No. 53 contains two (2) factual errors: (1) that JLR did not file papers in opposition to Dana's Motion to Quash with respect to Mr. Sidders' testimony; and (2) that JLR had an opportunity to depose Mr. Sidders but chose not to do so. (Motion at 1.).

As Respondents note, "A motion for reconsideration may be granted based on: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct a clear error of law or fact or prevent manifest injustice." (*See* Opp'n at 1 (citing *Certain*

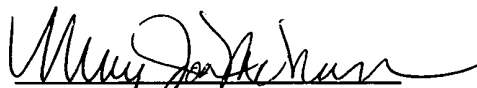
*Road Milling Machines and Components Thereof*, Inv. No. 337-TA-1067, Order No. 24 at 1 (Feb. 28, 2018); *Impax Lab'ys Inc. v. Lannett Holdings Inc.*, 893 F.3d 1372, 1378 (Fed. Cir. 2018) (“A factual finding is only clearly erroneous if, despite some supporting evidence, we are left with the definite and firm conviction that a mistake has been made.”).).

There are no factual errors that would change the outcome of the decisions contained in Order No. 53 even though Order No. 53 mistakenly failed to recognize that JLR filed its Response to Non-Party Dana Inc.’s Motion to Quash Subpoena *Ad Testificandum* to Dana Employee Jason Sidders (Mot. No. 1235-061) (“JLR’s Resp.”), Doc. ID No. 751129 at 1, 3 (Sep. 7, 2021).). However, Each of JLR’s arguments in its motions *in limine* was considered based upon all the information submitted, including the information provided with respect to the efforts that were made: to obtain Mr. Sidders’ Declaration, his deposition, and conversations with him. (Opp’n at 2, 3.). JLR could have moved to enforce the subpoena *ad testificandum*, issued to him. The rationales for denying JLR’s MIL No. 1 is contained in Order Nos. 53 and 54 together.

To address another point JLR raised in its Motion, my Ground Rules do not require that a witness who may be called to testify during an evidentiary hearing (“Hearing”) be deposed beforehand.

For the foregoing reasons, JLR’s Motion for Reconsideration, Motion Docket No. 1235-067, is *denied*.

**SO ORDERED.**

  
MaryJoan McNamara  
Administrative Law Judge