



ANTIDUMPING DEFENSE GROUP
 INDEPENDENT COOPERATING INTERNATIONAL TRADE ATTORNEYS
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Education

Juris Doctorate, cum laude
 J. Reuben Clark Law School
 Brigham Young University
 2000

Bachelor of Arts
 Economics
 Brigham Young University
 1996

Clerkships

Hon. Delissa A. Ridgway
 Court of International Trade
 2003-2005

Hon. Norman H. Jackson,
 Utah Court of Appeals,
 2000-2002

Bar Admissions:

Court of Appeals for the
 Federal Circuit
 Court of International Trade
 Utah
 Colorado
 Wyoming
 Missouri

Languages:

English
 Spanish

Mr. Mark B. Lehnardt counsels foreign producers and U.S. importers in U.S. antidumping and countervailing duty investigations, related proceedings, and litigation. Mr. Lehnardt has both led and supported investigation defense teams at the U.S. International Trade Commission and the U.S. Department of Commerce. Mr. Lehnardt typically focuses on legal argumentation in administrative proceedings and all related litigation, where he has significant experience and an outstanding track record.

Mr. Lehnardt’s international trade practice began with a two-year clerkship with the U.S. Court of International Trade, followed by four years at the U.S. Department of Commerce (DOC) as an attorney in the office of Chief Counsel for Import Administration.

In his official capacity with DOC, Mr. Lehnardt advised the Import Administration in its antidumping and countervailing duty proceedings, and traveled to provide legal advice at on-site verifications in China and Indonesia. Mr. Lehnardt represented the United States in international trade litigation, appearing at the U.S. Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and the World Trade Organization (“WTO”). He also served as a member of the U.S. delegation to the Antidumping Committee at the WTO, and evaluated the laws of several foreign countries for compliance with the WTO agreements governing Antidumping, Countervailing, and Safeguard duties.

Prior to his antidumping and countervailing duty work, Mr. Lehnardt was a commercial litigation associate at Holland & Hart, LLP, working for clients in the natural-resources industries. Mr. Lehnardt also previously worked in-house at a multinational corporation overseeing the international corporate, international trade, and Latin America legal affairs, and as a summer associate at the law firm of La Hoz, De La Flor & García Montúfar in Lima, Peru.



Antidumping & Countervailing Duty Experience

Industries: Agriculture, Aquaculture, Chemical, Electronics, Paper, Steel

Countries: Argentina, Canada, Chile, China, India, Indonesia, Japan, Korea, Mexico, Taiwan, Vietnam

Products: Aluminum Extrusions, Anti-Friction Bearings, Calcium Hypochlorite, Coated Free Sheet Paper, Color Televisions, Corrosion-Resistant Carbon Steel Flat Products, Drill Pipe, IQF Raspberries, Ironing Tables, Kitchen Appliance Shelving & Racks, Lemon Juice, Oil Country Tubular Goods, Polyester Staple Fiber, Polyethylene Retail Carrier Bags, Raspberries, Shrimp, Sodium Nitrite, Solar Panels, Standard Steel Fasteners, Steel Wire Garment Hangers, Welded Steel Pipe

Recent Representation

- Represent Chinese drill pipe producer in litigation successfully reversing ITC affirmative injury vote in remand proceedings, to lead to complete revocation of antidumping and countervailing duty orders
- Represent U.S. importers of Chinese aluminum extrusion in litigation successfully changing the law and reducing the countervailing duty by over 350 percentage points
- Represent Chinese tire manufacturer in litigation challenging the legality of applying countervailing duty law to China
- Lead attorney for large Chinese drill pipe producer in injury, antidumping, and countervailing duty proceedings before the U.S. International Trade Commission, the U.S. Department of Commerce, and judicial appeals before the U.S. Court of International Trade and U.S. Court of Appeals for the Federal Circuit
- Developed legal argument and negotiation strategy, and participated in successful settlement negotiation of litigation on favorable terms for client, reducing countervailing duty liability by more than 375 percentage points.

Representative Reported Cases

- *MacLean-Fogg v. United States*, Slip Op. 2013-1187 (Fed. Cir. June 3, 2014)
 - Won change in law and reversal of adverse Court of International Trade interpretation of law, thereby reducing all-others countervailing duty rate from 374% to 10%
- *Downhole Pipe & Equip. v. United States*, 963 F. Supp. 2d 1335 (Ct. Int'l Trade 2013)
 - Won remand of affirmative threat determination by the International Trade Commission for lack of substantial



evidentiary support in the administrative record.

- *MacLean-Fogg v. United States*, 885 F. Supp. 2d 1337 (Ct. Int'l Trade 2012)
 - Won 200 percentage points reduction in all-others countervailing duty rate.
- *Downhole Pipe & Equip. v. United States*, 887 F. Supp. 2d 1311 (Ct. Int'l Trade 2012)
 - Won remand to Department of Commerce for unsupported surrogate value selection.
- *MacLean-Fogg v. United States*, 853 F. Supp. 2d 1336 (Ct. Int'l Trade 2012)
 - Won second remand to Department of Commerce to address punitive all-others rate when Department of Commerce did not provide sufficient explanation in first remand.
- *MacLean-Fogg v. United States*, 836 F.Supp.2d 1367 (Ct. Int'l Trade 2012)
 - Won remand to Department of Commerce to address punitive nature of all-others rate.
- *Uniroyal Marine Exp., Ltd. v. United States*, 626 F. Supp. 2d 1312 (Ct. Int'l Trade 2009)
 - Won appeal of Department of Commerce administrative procedural decision.
- *KYD, Inc. v. United States*, 613 F. Supp. 2d 1371 (Ct. Int'l Trade 2009)
 - Won appeal regarding respondent selection and application of adverse facts available.
- *Universal Polybag Co. v. United States*, 577 F. Supp. 2d 1284 (Ct. Int'l Trade 2008)
 - Won appeal regarding respondent selection and application of adverse facts available.
- *Huvis Corp. v. United States*, 32 CIT 845 (2008), aff'd 570 F.3d 1347 (Fed. Cir. 2009)
 - Won appeal regarding Department of Commerce application of facts available.
- *Parkdale Int'l Ltd. v. United States*, 581 F. Supp. 2d 1334 (Ct. Int'l Trade 2007)
 - Won appeal regarding the effective date of revocation of an antidumping duty order.
- *Dofasco, Inc. v. United States*, 519 F.Supp.2d 1284 (Ct. Int'l Trade, 2007)
 - Won procedural issue regarding standing of parties to participate in litigation.
- *Nucor Corp. v. United States*, 516 F.Supp.2d 1348 (Ct. Int'l Trade



2007)

- Won procedural issue regarding standing of parties to participate in litigation and remedies available to plaintiff.
- *Parkdale Int'l Ltd. v. United States*, 508 F. Supp. 2d 1338 (Ct. Int'l Trade 2007)
- Won appeal of Department of Commerce policy affecting resellers

WTO Cases

- DS350 United States — Continued Existence and Application of Zeroing Methodology (Complainant: European Communities)
 - Defeated attempt to expand the Terms of Reference before the Panel
 - Participated in negotiations, drafting submissions, and meetings at the WTO in Geneva
- DS345 United States — Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties (Complainant: India)
 - Successfully defended against allegations that United States misapplied antidumping duty law in connection with the Customs Bond Directive
 - Attended meetings at the WTO in Geneva
- DS343 United States — Measures Relating to Shrimp from Thailand (Complainant: Thailand)
 - Drafted U.S. defense of zeroing in harmony with the position of the United States
- DS331 Mexico — Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala (Complainant: Guatemala)
 - Drafted third party submission with the U.S. Trade Representative
- DS328 European Communities — Definitive Safeguard Measure on Salmon (Complainant: Norway)
 - Drafted third party submission with the U.S. Trade Representative

Academics, Presentations & Publications

- Adjunct Professor of Law, *International Trade Law*, Concord Law School, Kaplan University since 2013
- Guest Lecturer, *U.S. AD/CVD Law*, Shanghai Jiaotong University Law School, March 2013
- Coauthor, “*U.S. Court of International Trade Overview: Non-Market Economy Cases in 2011*,” 44 *Georgetown J. of Int'l L* 15 (2013)
- Guest Lecturer, U.S. Contract Law, Melikşah Üniversitesi, Kayseri, Türkiye (Nov.-Dec. 2012)
- Adjunct Professor, *International Business Transactions*, University



of Missouri at Kansas City, School of Law, Kansas City, Missouri, Fall 2010

- Guest Lecturer, “Current Issues in U.S. Antidumping Duty Law,” Baker University, Baldwin City, Kansas, September, 2009
- Author, “*Is It Over? What Termination of the Antidumping and Countervailing Duty Investigations of Standard Steel Fasteners from China and Taiwan Means for Your Business,*” Fastener Technology International Magazine, December, 2009
- Author, “*How the Antidumping & Countervailing Duty Investigations into Standard Steel Fasteners from China and Taiwan Will Affect You,*” North Coast Fastener Association, Cleveland, Ohio, October, 2009
- Presenter, “Litigation Issues in U.S. Antidumping and Countervailing Duty Law,” Dominican Republic – United States Technical Exchange, Washington, D.C., August 2008
- Presenter, “Procedural Aspects of U.S. Antidumping and Countervailing Duty Law,” Inter-American Development Bank and U.N. Economic Commission for Latin America and the Caribbean, Conference on AD/CVD/Safeguard Investigation Processes In the US: A Strategic Approach, Washington, D.C., May 2008
- Instructor, International Public & Commercial Arbitration, University of Wyoming, College of Law, Laramie, Wyoming, Aug. 2003 – Feb. 2004
- Instructor, International Public & Commercial Arbitration, Brigham Young University, J. Reuben Clark Law School, Provo, Utah, May 2000 – April 2002

Awards & Special Training

- 2007 Attorney of the Year, Office of Chief Counsel for Import Administration, U.S. Department of Commerce
- U.S. Department of Commerce Interagency Trade Officer Training, U.S. Department of Commerce, 2008