

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-62225-CIV-ALTMAN

U.S. STRUCTURAL PLYWOOD
INTEGRITY COALITION, *et al.*,

Plaintiffs,

v.

PFS CORPORATION,

Defendant.

**PERMANENT INJUNCTION &
ENTRY OF STIPULATED FINAL JUDGMENT**

The parties have filed a Joint Motion for Entry of Permanent Injunction & Stipulated Final Judgment (“Motion”) [ECF No. 464], seeking entry of this Permanent Injunction and entry of Stipulated Final Judgment (“Permanent Injunction”). As set out in the Stipulation, PFS TECO has consented to entry of the Judgment, waived findings of fact and conclusions of law, and waived any right to appeal from this Judgment. Accordingly, the Joint Motion is **GRANTED** as follows:

I. PERMANENT INJUNCTIVE RELIEF

IT IS ORDERED AND ADJUDGED that, within seven (7) days of the entry of this Judgment, PFS TECO is ordered to revoke all of the PS 1 certificates and grade stamps that PFS TECO has issued to plywood mills located in southern Brazil by emailing a notice of PS 1 certificate revocation to each Brazilian licensee and to remove all revoked PS 1 certificates from the PFS TECO website.

IT IS FURTHER ORDERED AND ADJUDGED that PFS TECO is barred until this permanent injunction is lifted from issuing any PS 1 certificate or grade stamp to any plywood mill in Brazil.

IT IS FURTHER ORDERED AND ADJUDGED that PFS TECO shall not move to lift this permanent injunction until such time as PFS TECO has performed adequate testing of the tree species to be utilized in the region of Brazil for the manufacture of PS 1 structural plywood, has identified those grades of veneer by species and panel layout formulation that will meet the PS 1 requirements and has put in place the necessary laboratory, inspection and testing regimes to make certain that any plywood mills licensed by PFS TECO to produce PS 1 plywood have demonstrated the capability to consistently manufacture structural plywood that complies with the PS 1 standard. In addition, to support a motion to lift this Order, PFS TECO must demonstrate that it has in place a comprehensive system of plywood certification, inspection and testing practices that will provide substantial ongoing assurance that all of its PS 1 plywood licensees are continuing to consistently comply with the PS 1 standard or are terminated for noncompliance.

IT IS FURTHER ORDERED AND ADJUDGED that PFS TECO is ordered to cooperate with plaintiffs in any litigation raising issues related to the adequacy of performance of certification, inspection and testing agencies authorized to perform those functions under the PS 1 Product Standard, which shall include, but not be limited to, providing relevant documents to plaintiffs' counsel and witnesses to testify in those court proceedings.

IT IS FURTHER ORDERED AND ADJUDGED that PFS TECO shall urge the PS 1 Standing Committee to create an organization or committee similar to the American Lumber Standard Committee created pursuant to the PS 20 Product Standard, which governs structural lumber in the U.S. This organization would be empowered, pursuant to contracts with each of its certification, inspection and testing agencies, to conduct unannounced field examinations at any of its agency's licensee plants or to facilitate and conduct surveillance check inspections in U.S. ports, storage facilities, distribution yards and retail establishments. Based upon the evidence in this case, this Court expressly finds that creation of such an oversight accrediting agency is necessary to make the efficacy

of the certification and quality control system supporting the PS 1 Product Standard governing structural plywood sold in the U.S. comparable to the PS 20 Product Standard governing structural lumber in the U.S.

II. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction of this matter and over PFS TECO in order to implement and carry out the terms of this Judgment and all Orders and Decrees that may be entered, to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and to order any other relief that is Court deems appropriate under the circumstances.

III. RULE 54(b) CERTIFICATION

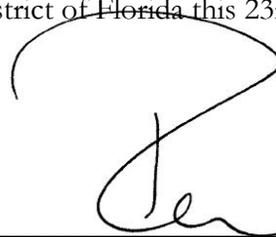
There being no reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is **ORDERED** to enter this Judgment forthwith and without further notice.

IV. CLOSURE

The Clerk is directed to **CLOSE** this case. All pending deadlines and hearings are **TERMINATED**, and any pending motions are **DENIED AS MOOT**.

* * *

DONE AND ORDERED in the Southern District of Florida this 23rd day of May 2022.



ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record