

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BOTTLED WATER
ASSOCIATION et al.,

Plaintiffs,

vs.

DAVID A. PATERSON, in his official capacity as
Governor of the State of New York, et al.,

Defendants.

USDC SDNY
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DATE FILED: 5/29/09

No. 09 CV 4672 (DAB)

PROPOSED ORDER

At the hearing on plaintiffs' motion for a preliminary injunction on May 27, 2009, the Court entered a preliminary injunction. This Order supersedes the preliminary injunction entered at the hearing.

For the reasons stated on the record at the hearing, the Court finds that Plaintiffs are entitled to a preliminary injunction against Defendants.

Now, therefore, it is hereby ORDERED and ADJUDGED that, during the pendency of this action and until final judgment is entered:

(1) Defendants are enjoined from implementing or enforcing the New York-exclusive Universal Product Code provision of the New York State Returnable Container Act (the "Bottle Bill") as amended, N.Y. Envtl. Conserv. Law § 27-1012.12;

(2) Defendants are enjoined from implementing and enforcing any and all other amendments to the Bottle Bill signed into law on April 7, 2009, until April 1, 2010, to allow

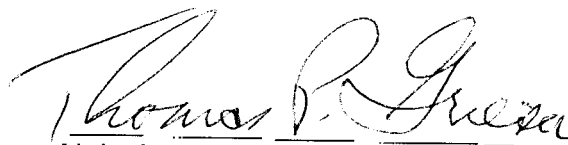
persons subject to the amendments sufficient time to comply with the law's requirements; ~~and~~

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(3) Defendants are enjoined from implementing or enforcing the amendments to N.Y. Envtl. Conserv. Act § 27-1003.1 contained in the amended Bottle Bill, which concern the definition of "water."

This Order shall be binding upon the Defendants, their officers, agents, servants, employees, representatives, and attorneys, and upon all those persons acting in concert with them or at their direction.

This Order is effective immediately, a bond in the amount of Ten Thousand Dollars (\$10,000.00) already having been posted with the Court.


United States District Judge

Dated: May 29, 2009
New York, New York