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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL BOTTLED WATER ASSOCIATION,
NESTLE WATERS NORTH AMERICA, INC., and
POLAR CORP. d/b/a POLAR BEVERAGES,

Plaintiff,

09 Civ. 4672 (DAB)
ORDER

AMERICAN BEVERAGE ASSOCIATION,

Intervenor-Plaintiff,

-against-

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

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

The Court is in receipt of Intervenor-Plaintiff, the American Beverage Association's letter dated September 4, 2009, as well as Defendant, Governor Patterson's response letter dated September 14, 2009. The Court's Order of August 13, 2009, lifting the injunction for those Amendments to the New York State Returnable Container Act ("the Amendments") that were not germane, did not contemplate or intend retroactive application of those Amendments.

SO ORDERED.

Dated: New York, New York
September 14, 2009

Deborah A. Batts
Deborah A. Batts
United States District Judge