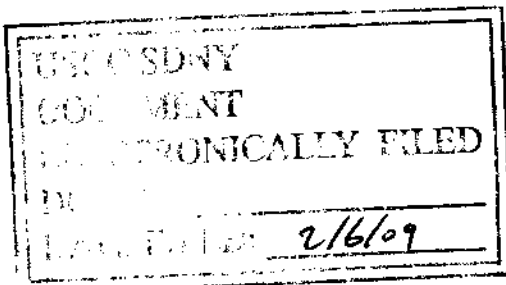


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
NATIONAL RESOURCES DEFENSE COUNCIL,
INC. and PUBLIC CITIZEN, INC.,

Plaintiffs,

-against-

08 CIVIL 10507(PGG)
JUDGMENT

U.S. CONSUMER PRODUCT SAFETY
COMMISSION,

Defendant.

-----X

The parties having cross-moved for summary judgment on plaintiffs' claim, and the matter having come before the Honorable Paul G. Gardephe, United States District Judge, and the Court, on February 5, 2009, having rendered its Memorandum Opinion and Order granting plaintiffs' motion for summary judgment, denying defendant's cross-motion for summary judgment, declaring that defendant has violated the Consumer Product Safety Improvement Act and the Administrative Procedure Act, and setting aside defendant's November 17, 2008 decision regarding the phthalate prohibitions in Section 108 of the Consumer Product Safety Improvement Act, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated February 5, 2009, plaintiffs' motion for summary judgment is granted; defendant's cross-motion for summary judgment is denied; the Court declares that defendant has violated the Consumer Product Safety Improvement Act and the Administrative Procedure Act; and the Court sets aside defendant's November 17, 2008 decision regarding the phthalate prohibitions in Section 108 of the Consumer Product Safety Improvement Act.

Dated: New York, New York
February 6, 2009

J. MICHAEL McMAHON

Clerk of Court

BY:

Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**