

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABC BEVERAGE CORPORATION
& SUBSIDIARIES, f/k/a Beverage
America Inc. & Subsidiaries,
Plaintiff,

Case No. 1:07-cv-051

-v-

HONORABLE PAUL L. MALONEY

UNITED STATES OF AMERICA,
Defendant.

ORDER VACATING JUDGMENT

On September 23, 2008, this Court issued a judgment (Dkt. No. 70) in favor of Plaintiff. Upon review of the opinion and order (Dkt. No. 69) granting Plaintiff's motion for summary judgment and denying Defendant's motion for summary judgment, several issues of material fact are still pending. Therefore, pursuant to FED. R. CIV. P. 60, the judgment (Dkt. No. 70) is **VACATED**.

Date: September 29, 2008

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge