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Nestlé Waters North America Files Documents with the Michigan Supreme Court, Supporting Right to Fair Consideration of Evidence and Application of Law

Stanwood, Mich. — Nestlé Waters North America today announced the company has filed documents with the Michigan Supreme Court regarding some points of a ruling given by the Michigan Court of Appeals in an appeal of a Mecosta County case involving the bottled water producer.

“Nestlé has maintained throughout the legal proceedings, and as a matter of fact, that the ecosystems and environment at its spring water site remain healthy and supportive of their traditional characteristics,” said Michael Haines, attorney for Nestlé Waters with the Grand Rapids law firm of Mika Meyers Beckett and Jones. “We believe that the scientific evidence collected at the site over a period of approximately six years fully validates the company’s environmental stewardship practices. Thus, we strongly believe it is important this information can be brought to bear on the case.”

Nestlé’s action follows the plaintiffs’ application to the Supreme Court that the Court hear an appeal from the Court of Appeals ruling.

“If the Supreme Court decides to hear an appeal as requested by the plaintiffs, there are also some issues that Nestlé believes should be considered in conjunction with that appeal,” said Haines. “These are issues of fairness related to the trial court’s receiving and appropriately evaluating all of the environmental evidence from Nestlé’s site, and the manner in which the Court of Appeals’ reasonable-use, balancing principles are to be applied.”

As confirmed by the Court of Appeals in its ruling on the bottling case, Michigan water use law is based on the principle that all water users have the right to make reasonable use of water, and a balancing of competing water users ensures fair access to water by all.

In its recent filing with the Supreme Court, Nestlé also asserts that part of the plaintiffs’ case under the Michigan Environmental Protection Act (MEPA) is constitutionally improper, based on a recent ruling made by the Michigan Supreme Court in a similar case.

The Michigan Court of Appeals ruled on the bottling case in November 2005, deciding key legal issues in favor of Nestlé. Last month, the plaintiffs filed an application with the Michigan Supreme Court seeking leave to appeal. Nestlé has previously filed a brief with the Michigan Supreme Court opposing that application.

It is not known when the Supreme Court will act on the applications.

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