

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
(NEWARK VICINAGE)**

**CIVIL ACTION NO.: 06-CV-688 (DMC)**

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**DEBORAH FELLNER,**  
**Individually and on Behalf of Those**  
**Similarly Situated,**

**Plaintiffs,**

**v.**

**TRI-UNION SEAFOODS, L.L.C.,**  
**d/b/a CHICKEN OF THE SEA,**

**Defendant.**

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)  
) **CERTIFICATION OF KENNETH A.**  
) **SCHOEN IN SUPPORT OF**  
) **DEFENDANT'S MOTION TO**  
) **DISMISS PLAINTIFF'S**  
) **COMPLAINT**  
)  
)  
)  
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)  
)

I, Kenneth A. Schoen, hereby certify as follows:

1. I am an attorney admitted to practice law in the state and federal courts of New Jersey and a partner with the law firm of Bonner Kiernan Trebach & Crociata, LLP, counsel for defendant Tri-Union Seafoods, L.L.C. d/b/a/ Chicken of the Sea ("Defendant"), in the above-captioned matter. I am fully familiar with the factual and procedural history of this case.

2. I submit this certification in support of Defendant's Motion Reply Memorandum of Law in Further Support of Its Motion to Dismiss for Failure to State a Claim Pursuant to Fed R. Civ. P. 12(b)(6).

3. A true and accurate copy of "Is Mercury in Fish a Safety Concern?," dated May of 1995, is annexed as Exhibit "1."

4. A true and accurate copy of "FDA Announces Advisory on Methylmercury in Fish," dated 2001, is annexed as Exhibit "2."

5. A true and accurate copy of "Letter Responding to Health Claim Petition dated November 3, 2003 (Martek Petition): Omega-3 Fatty Acids and Reduced Risk of Coronary Heart Disease," dated September 8, 2004, is annexed as Exhibit "3."

6. A true and accurate copy of the table entitled "Mercury Levels in Commercial Fish and Shellfish," is annexed as Exhibit "4."

7. A true and accurate copy of the table "Mercury Concentrations in Fish: FDA Monitoring Program (1990-2004)," is annexed as Exhibit "5."

I certify that the foregoing statements made by me are true and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Kenneth A. Schoen  
Kenneth A. Schoen

Dated: April 10, 2006