

Empire State Building
Suite 3304
New York, NY 10118
Telephone: (212) 268-7535
Facsimile: (212) 268-4965
bktc@bktc.net
www.bktc.net

B O N N E R
K I E R N A N
T R E B A C H &
C R O C I A T A , L L P

Connecticut
Maryland
Massachusetts
New Jersey
New York
Pennsylvania
Rhode Island
Virginia
Washington, DC

May 17, 2006

Service via ECF

Hon. Dennis M. Cavanaugh, U.S.D.J.
United States District Court
U.S. P.O. & Courthouse Building
Federal Square
Newark, NJ 07101


Re: *Deborah Fellner, Individually and on Behalf of Those Similarly Situated v. Tri-Union Seafoods, L.L.C., d/b/a Chicken of the Sea*
Civil Action No. 06-CV-688 (DMC)
RE: PENDING MOTIONS TO DISMISS AND FOR JUDICIAL NOTICE

Dear Judge Cavanaugh:

Pursuant to my conversation with Your law clerk, Ms. Allyson Villano, Esq., I enclose a copy of the May 10, 2006 Decision of Proposed Findings of Fact and Conclusions of Law filed by the Hon. Robert L. Dondero, Judge of the Superior Court of the State of California, City and County of San Francisco, in the related case of *People of the State of California, ex rel. Bill Lockyer, Attorney General of the State of California v. Tri-Union Seafoods, LLC; Del Monte Corporation; Bumble Bee Seafoods, LLC; et als, Consolidated Case No.s CGC-01-402975 and CGC-04-432394*. I also enclose the California Court's May 10, 2006 Rulings on Judicial Notice and Evidence from the same case.

The case was cited in footnote 5 of Defendant Tri-Union Seafood, LLC, d/b/a Chicken of the Sea's Motion to Dismiss, as both turned heavily on the August 12, 2005 FDA Commissioner's Federal Preemption Letter. The FDA Federal Preemption Letter is appended to decision in that case as Exhibit A, and is also attached to the Motion for Judicial Notice currently pending before this Court.

Respectfully submitted,


Kenneth A. Schoen
(KS-7180)
Enclosures

cc: Barry R. Eichen, Esq. (via ECF)