

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NO. 07-1238

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DEBORAH FELLNER, individually and  
on behalf of those similarly situated

v.

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

Deborah Fellner,  
Appellant

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On Appeal From the United States District Court  
For the District of New Jersey  
(D.C. Civil Action No. 06-cv-00688)  
District Judge: Hon. Dennis M. Cavanaugh

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Argued February 12, 2008

BEFORE: SLOVITER, SMITH and STAPLETON,  
*Circuit Judges*

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the District of New Jersey and was argued by counsel on February 12, 2008.

On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court that the judgment of the said District Court entered January 9, 2007, be and the same is hereby REVERSED and this matter is REMANDED to the said District Court for further proceedings consistent with this opinion. Costs taxed against appellee.

ATTEST:


/s/ Marcia M. Waldron  
Clerk

Dated: 19 August 2008

Costs Taxed in Favor of Deborah Fellner as follows:

Total for Brief.....\$585.88

Total.....\$585.88

  
Certified as a true copy and issued in lieu  
of a formal mandate on 23 Sept 2008

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit