

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

BONNER KIERNAN TREBACH  
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Attorneys for Defendant  
Tri-Union Seafoods, L.L.C.  
d/b/a Chicken of the Sea  
(KS-7180)

DEBORAH FELLNER,  
  
Plaintiff,

v.

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

: CIVIL ACTION NO. 2:06-CV-688 (DMC)-MF  
:  
:  
: **NOTICE OF MOTION TO DISMISS FOR**  
: **FAILURE TO STATE A CLAIM**  
:  
:  
:  
: AUGUST 31, 2009

**To:** Barry R. Eichen, Esq.  
Eichen Levinson & Crutchlow, LLP  
40 Ethel Road  
Edison, New Jersey 08817  
Attorneys for Plaintiff

**PLEASE TAKE NOTICE** that on October 5, 2009 at 9:00 a.m. in the forenoon, or as soon thereafter as counsel may be heard, the undersigned, counsel for defendant Tri-Union Seafoods, L.L.C. d/b/a Chicken of the Sea, will apply to the United States District Court, District of New Jersey, Newark Vicinage, at the Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey for the following relief:

**Dismissing the plaintiff's Amended Complaint.**

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, the undersigned will rely upon the Memorandum of Law and Certification filed herewith.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

Respectfully submitted,

BONNER KIERNAN TREBACH  
& CROCIATA, LLP  
Attorneys for Defendant  
Tri-Union Seafoods, L.L.C.  
d/b/a Chicken of the Sea

Dated: August 31, 2009

By:

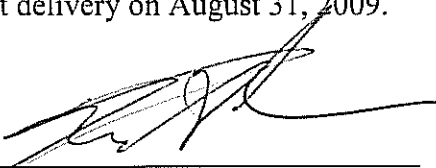
  
\_\_\_\_\_  
Kenneth A. Schoen (KS-7180)

**CERTIFICATE OF SERVICE**

I, Kenneth A. Schoen, hereby certify that a true copy of the within document was served upon Barry R. Eichen, Esq., Echen, Levinson and Crutchlow, LLP at 40 Ethel Road, Edison, New Jersey, 08817 via Federal Express, overnight delivery on August 31, 2009.

Dated: August 31, 2009

By:

  
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Kenneth A. Schoen (KS-7180)