

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

DEBORAH FELLNER,	:	CIVIL ACTION NO. 2:06-CV-688 (DMC)-MF
	:	
Plaintiff,	:	CERTIFICATION OF KENNETH A.
v.	:	SCHOEN IN SUPPORT OF
	:	DEFENDANT’S MOTION REQUESTING
TRI-UNION SEAFOODS, L.L.C.,	:	JUDICIAL NOTICE
d/b/a CHICKEN OF THE SEA,	:	
	:	
Defendant.	:	OCTOBER 5, 2009

Kenneth A. Schoen hereby certifies 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 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 Tri-Union’s motion requesting judicial notice in support of its third motion to dismiss Plaintiff’s Complaint.

3. Because of the nature of this Motion seeking judicial notice of documents and facts that are integral to resolving the pending motions to disrniss, and because the documents are publicly available, it is submitted that no brief is necessary pursuant to L. Civ. R. 7.1(d)(4) to further the request for said judicial notice. Indeed, citations to applicable case law permitting judicial notice are listed in the footnotes to the motion submitted.


4. Annexed to the motion as Exhibit “1” is true and accurate copy of the publicly available document, “Is Mercury in Fish a Safety Concern ?,” dated May, 1995.

5. Annexed to the motion as Exhibit “2” is a true and accurate copy of the publicly available document “FDA Announces Advisory on Methylmercury in Fish,” dated 2001.

6. Annexed to the motion as Exhibit “3” is a true and accurate copy of the publicly available document “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.

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.

Dated: October 1, 2009


Kenneth A. Schoen (#KS-7180)