

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

BONNER KIERNAN TREBACH
& CROCIATA, LLP
299 Cherry Hill Road, Suite 300
Parsippany, New Jersey 07054
(973) 335-8480
Attorneys for Defendant
Tri-Union Seafoods, L.L.C.
d/b/a Chicken of the Sea
(KS-7180)

DEBORAH FELLNER,	:	CIVIL ACTION NO. 2:06-CV-688 (DMC)-MF
	:	
Plaintiff,	:	
	:	
v.	:	REPLY CERTIFICATION OF KENNETH
	:	A. SCHOEN IN SUPPORT OF
TRI-UNION SEAFOODS, L.L.C.,	:	DEFENDANT'S THIRD MOTION TO
d/b/a CHICKEN OF THE SEA,	:	DISMISS PLAINTIFF'S COMPLAINT
	:	
Defendant.	:	

FELLNER v. TRI-UNION SEAFOODS, L.L.C.

Doc. 41

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. Copies of unpublished decisions certified within the reply brief are annexed as Exhibit "4".

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: October 1, 2009