

EICHEN CRUTCHLOW & MCELROY, LLP
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DEBORAH FELLNER,

Plaintiff,

vs.

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

Defendant.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Civil Action 2:06-cv-00688-DMC-MF

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO
DEFENDANT**

To: Kenneth A. Schoen
Scott H. Goldstein, Esq.
BONNER KIERNAN TREBACH & CROCIATA, LLP
299 Cherry Hill Road, Suite 300
Parsippany, NJ 07054

PLEASE TAKE NOTICE that Plaintiff, DEBORAH FELLNER, demands that Defendant give certified answers to the following interrogatories within 30 days after service in the manner prescribed by court rules, and further demands the supplement and amendment of said answers.

Dated: May 17, 2010

By: 
Barry R. Eichen (BEichen@eichencrutchlow.com)
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Attorneys for Plaintiff, Deborah Fellner

I. DEFINITIONS

1. "Tri-Union" or the "Company" means Defendant TRI-UNION SEAFOODS, L.I.C., d/b/a/ CHICKEN OF THE SEA and all of its predecessors, successors, parents, subsidiaries, divisions, affiliates, or anyone acting or purporting to act on its behalf, including any of its respective directors, officers, managing agents, agents, employees, attorneys, accountants, or other representatives.

2. "Advertisement" includes the attempt directly or indirectly by publication, dissemination, solicitation, indorsement, or circulation, or in any other way to attempt directly or indirectly to induce any person to enter or acquire any title or interest in any merchandise or service, or to increase the consumption thereof.

3. "Publication" includes but is not limited to all printings, billboards, banners, newspapers, newspaper inserts, chalk boards, radio, television, internet, all forms of electronic circulation, and email.

4. "Merchandise" includes any objects, wares, goods, commodities, services, or anything offered directly or indirectly to the public for sale.

5. "Document" means all written, printed, typed, recorded or graphic matter of every type and description, whether draft or final, however and by whomever prepared, produced, reproduced, disseminated or made, in any form, including, but not limited to, all writings, letters, minutes, correspondence, telegrams, bulletins, instructions, charts, literature, work assignments, reports, memoranda, notes of telephone or personal conversations or conferences, contracts, agreements, interoffice communications, notes, notebooks, drafts, microfilm, circulars, pamphlets, studies, notices, summaries, reports, books, graphs, photographs, data sheets, data compilations, computer data sheets, computer data compilations, work sheets, records, statistics, speeches, and other writings, tapes, sound recordings, tape recordings, videotapes, electronic mail, computer disks, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form, or any other tangible thing.

6. The term "document" shall also mean each copy which is not identical to the original or to any other identified copy and each draft of each document requested to be identified.

7. "Identify" and "identity," when used with respect to a document shall mean to state its date, the type of document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.), the author, addressee, title, identity of its custodian and physical location of the document.

8. "Person" means all natural persons, corporations, companies, partnerships, and any other business associations and all other legal entities, without limitation.

9. "Identify," when used with respect to a natural person, means to state the person's full name and present or last known home and business address, present or last known employer, and present or last known position held and, if such individual has ever been employed by Tri-Union or participated in any way in your company's business or the manufacture, sale or distribution of any of your company's products, so indicate and state the nature and time period of such employment or participation. When used with respect to a person other than a natural person, "identify" means to state such person's full name and the address of such person's principal place of business. Where a natural person or entity has been identified in full as required by these definitions in response to one interrogatory, it shall be sufficient in identifying such natural person or entity in response to subsequent interrogatories to state the full name of such natural person or entity.

10. As used herein, any term in the singular shall be deemed to include the plural where appropriate and vice versa.

11. All terms including "and" & "or" shall be construed either conjunctively or disjunctively as required by the context to include in the response any statement that might be deemed non-responsive by any other construction.

12. The term "mercury" includes methylmercury, elemental or metallic mercury, inorganic mercury compounds, and organic mercury compounds.

II. INSTRUCTIONS

1. Pursuant to Local Rule 33.1(b), if the person who verifies the answers to interrogatories does not have personal knowledge of the information contained in the answers, that person shall, for each answer not verified by personal knowledge, identify the person or persons from whom the information was obtained or, if the source of the information is documentary, provide a full description including the location thereof.

2. If you claim the attorney-client privilege or any other privilege or work product protection with respect to any answer to an interrogatory, provide a detailed privilege log that contains at least the following information for each document that you have withheld:

- a. state the date of the document;
- b. identify each and every author of the document;
- c. identify each and every person who prepared or participated in the preparation of the document;
- d. identify each and every person who received the document;
- e. identify each and every person from whom the document was received;
- f. state the present location of the document and all copies thereof;
- g. identify each and every person having custody or control of the document and all copies thereof; and
- h. provide sufficient information concerning the document and the circumstances thereof to explain the claim of privilege or protection and to permit the adjudication of the propriety of such claim.

3. These interrogatories shall be deemed to be continuing in nature so that if you subsequently discover or obtain possession, custody or control of any document, information or knowledge previously requested or covered by these interrogatories, you shall promptly supplement your responses hereto.

III. INTERROGATORIES

1. Detail Tri-Union's corporate history and organizational structure during the period of 1990 to the present, including, but not limited to, any current and/or former parent entities, any of predecessor entities, and any subsidiaries and/or divisions held or controlled by Tri-Union at any time.
2. Identify every person that answers any of these interrogatories or provides information used in answering these interrogatories.
3. Identify any organizations that Tri-Union has ever been associated with or supported directly or indirectly, that support tuna consumption.
4. Identify anyone having knowledge or information concerning the within matter, including but not limited to all present and former: employees, agents, and anyone acting or purporting to act on Tri-Union's behalf, and detail the information held by each.
5. Identify everyone involved in testing Tri-Union's tuna products for mercury.
6. Detail Tri-Union's policy and procedure for testing its tuna products for mercury, for each year beginning with 1990 and ending with 2004.
7. Identify each laboratory and/or departments and/or divisions held and controlled by Tri-Union involved in research and/or testing of its tuna products for harmful agents, including mercury.
8. Identify all Joint Ventures and/or agreements, whether for the purposes of marketing or sales or scientific research or testing entered into between Tri-Union and any other organization/association/laboratory/company, and identify any and all documents reflecting the same.
9. Identify everyone having authority to modify the label on any of Tri-Union's tuna products.
10. Identify all investigations, research, and testing concerning mercury in Tri-Union's tuna fish products, and the results and conclusions of each.
11. Identify all representations made by Tri-Union concerning mercury in its tuna fish products.

12. Identify and describe Tri-Union's policies concerning data/document retention and data/document destruction, including electronically stored information, paper documents, and physical evidence, including the people or entities responsible for implementing said policies.
13. Identify any and all departments, employees, agents, and/or any other persons or entities acting on your behalf that are knowledgeable of the documents that reflect your annual expenditures, throughout the relevant period, for the following activities: (1) any financial expenditures, investments and/or contributions for any and all political lobbying or other political activity; and (2) financial investments/contributions made to any other organization with the purpose promoting the safety of tuna consumption; and (3) financial expenditures for promotion and/or marketing and/or sales of your tuna products.
14. Identify all legal actions currently pending or previously instituted against Tri-Union regarding mercury, safety, or labeling issues with its tuna products.