

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Chambers of  
**Joseph A. Dickson**  
United States Magistrate Judge

Martin Luther King, Jr. Federal Bldg.  
& U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102  
(973-645-2580)

LETTER ORDER

November 26, 2012

*All counsel of record*

**Re: Deborah Fellner v. Tri-Union Seafoods, L.L.C., d/b/a Chicken of the Sea  
Civil Action No. 2:06-cv-688-DMC-JAD**

Dear Counsel:

On October 11, 2012, we discussed a procedure whereby a motion would be filed by Defendant for a protective order, placing certain unidentified third parties on notice that documents that they had produced and/or shared with Defendant several years ago may be produced in this case. On October 18, 2012, Defendant filed a letter purporting to serve as that motion. The Court cannot determine whether the third parties were put on notice (either by personal service or by filing some notice in the previous Proposition 65 litigation.)


Thereafter, Plaintiff filed no response until November 13, 2012, which would be out of time if Defendant had filed a formal motion. Furthermore, the Court has not been provided with a copy of the Order which is generating this controversy.

Accordingly, in order to clarify the Court's previous instruction and bring this issue to resolution, Defendant is directed to 1) advise the Court and Plaintiff whether it has served notice on any interested third parties in the Proposition 56 litigation and, if so, when and how; 2) if no

notice has been served, to do so within 5 days of this Letter Order (by serving all defendants in that litigation who still exist and may have produced the documents in issue.); and 3) provide a copy of the previous Court Order that Defendant asserts controls the production of the documents in issue.

Thereafter, this Court presently intends (subject to its review of the Court Order in the other litigation) to enter an Order requiring the production of the three documents in issue, which the Court deems relevant for discovery purposes.

**SO ORDERED**

  
**Joseph A. Dickson, U.S.M.J.**

cc: Honorable Dennis M. Cavanaugh, U.S.D.J.