

BONNER KIERNAN

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January 4, 2013

VIA ECF

Honorable Joseph Dickson, U.S.M.J.
United States District Court
U.S. P.O. & Courthouse Building
Federal Square
Newark, New Jersey 07101

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

Dear Judge Dickson:

We represent the Defendant Tri-Union Seafoods, L.L.C. in the above-captioned matter.

In response to this Court's Letter Order (Corrected), dated January 3, 2013, the Defendant is ready, willing and able to comply with the production of materials which were the subject of the Order, in a timely fashion. However, it is the Defendant's intention to designate the materials as being "for attorneys' eyes only," in accordance with the Defendant's proposed Confidentiality Order. To date, the Court has not adopted either the Defendant's proposed Confidentiality Order or the Plaintiff's proposed Confidentiality Order, which leaves undecided the significance of the designation: "attorneys' eyes only." In our proposal, the designation "attorneys' eyes only" will prohibit counsel from sharing the materials with the Plaintiff and others, until such time as the Court decides otherwise, if requested by the Plaintiff. The dilemma in which we find ourselves is that, in the absence of the Court adopting our proposed Confidentiality Order, we will not know if the plaintiff's counsels are free to disseminate the materials to Ms. Fellner, prior to your decision on the proposed limitation on the Plaintiff's access to the materials.

Thus, the Defendant requests that this Court issue, at least a preliminary Order, prohibiting the dissemination of the materials to Ms. Fellner and others, until such time as the

Honorable Joseph Dickson, U.S.M.J.

January 4, 2013

Page 2

parties have an opportunity to address the proposed limitation by briefing or oral argument, as the Court deems appropriate.

We thank you for your courtesy and consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "John A. Kiernan". The signature is written in a cursive style with a large initial "J" and "K".

John A. Kiernan
Kenneth A. Schoen

cc: Thomas Paciorkowski, Esq. (via e-mail)
Stephen Grygiel, Esq. (via e-mail)