

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NEVERSINK GENERAL STORE and  
BRENDA TOMLINSON, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

MOWI USA, LLC,  
MOWI DUCKTRAP, LLC,  
MOWI USA HOLDING, LLC, and  
MOWI ASA,

Defendants.

Case No. 1:20-cv-09293-PAE

**DECLARATION OF DONALD CYNEWSKI IN SUPPORT OF MOWI'S RESPONSE TO  
OBJECTIONS OF ABIGAIL STARR AND ORGANIC CONSUMERS ASSOCIATION  
TO CLASS SETTLEMENT**

I, Donald Cynewski, hereby declare as follows:

1. I am General Manager of Mowi Ducktrap, LLC, and have served in that role for approximately fifteen years.
2. My responsibilities at Mowi Ducktrap, LLC require me to have an understanding of and familiarity with the labeling, marketing, and sales of Mowi Ducktrap, LLC's Ducktrap River of Maine smoked Atlantic salmon products. I understand that these products are defined as "Ducktrap Products" in Section 1.10 of the Settlement Agreement in this case, and I use that phrase to refer to these products. I have personal knowledge of the matters stated herein and, if called upon, could competently testify thereto.
3. I am authorized to make this declaration on behalf of Mowi USA, LLC, Mowi Ducktrap, LLC, Mowi USA Holding, LLC, and Mowi ASA (collectively, "Mowi").

4. In or around October 2019, Mowi began a rebranding effort that included reviewing and updating the Ducktrap Product labels. As part of this review, Mowi began considering whether to modify or remove from those labels the phrases “sustainably sourced” and “all natural.”

5. As a result of this rebranding, the phrases “sustainably sourced,” “all natural,” and “naturally smoked salmon from Maine” do not appear on any new Ducktrap Product labels produced after January 1, 2021. As the General Manager of Mowi Ducktrap, LLC, I would be involved in any future decision to add those phrases to any new Ducktrap Product labels. Mowi has no intention to add those phrases to its Ducktrap Product labels, and will not for at least the next two years.

6. From September 1, 2017, to August 31, 2020—roughly the three-year period before this case was filed—total U.S. sales to retailers for all Ducktrap Products that contained the “sustainably sourced,” “all natural” and/or “from Maine” representations was approximately \$43,912,923.

7. Only one label from the Ducktrap Products contained the “sustainably sourced” representation. Products with that label began shipping on October 3, 2018, and total U.S. sales to retailers through August 31, 2020 were \$1,983,676.

8. I understand that Abigail Starr has filed an objection to the proposed class settlement in this case. I have reviewed Ms. Starr’s objection.

9. On page 14 of the objection, Ms. Starr cites a *Mainebiz* article containing statements attributed to me, and I have reviewed this article. *See* Dkt. No. 73 at 14 & n.11 (citing Lori Valigra, *Maine Food Insider: Ducktrap River doubles production capacity with purchase of building*, *Mainebiz* (Aug. 2, 2017), <https://www.mainebiz.biz/article/maine-food-insider-ducktrap-river-doubles-production-capacity-with-purchase-of-building>). Ms. Starr asserts: “According to an

August 2017 *Mainebiz* news article, the General Manager of Ducktrap River stated that its monthly revenue was \$3 million to \$5 million, which equates to \$36 million to \$60 million annually. If this reported information is accurate, one could expect Mowi's sales of Ducktrap smoked salmon products to be, at a minimum, \$28.8 million per year or \$115.2 million over the four-year class period. Extrapolating based on its reported revenue in 2017, if Ducktrap succeeded in increasing its smoked salmon production 75% beginning in 2019, its sales during the class period may exceed \$260 million." Dkt. No. 73 at 14–15 (footnotes omitted). I provided the \$3 million to \$5 million revenue figure referenced in this article to *Mainebiz*. That figure encompassed revenue in 2017 from all of Mowi Ducktrap, LLC's products—both the smoked Atlantic farmed salmon products at issue in this lawsuit and also other products that are not at issue in this lawsuit, such as Ducktrap's wild salmon, trout, and mackerel products. For these reasons, Ms. Starr's speculation about the sales figures of the Ducktrap Products is not correct. Total U.S. sales to retailers for the Ducktrap Products have never been \$28.8 million annually.

10. On page 15 of the objection, Ms. Starr cites a *Bangor Daily News* article that contained statements attributed to me, and I have reviewed this article. See Dkt. No. 73 at 15 & n.14 (citing Abigail Curtis, *How a Belfast company became one of the nation's biggest smoked salmon producers*, *Bangor Daily News* (Oct. 11, 2018), <https://bangordailynews.com/2018/10/11/news/how-a-belfast-smokehouse-is-turning-salmon-into-a-profitable-delicacy/>). Ms. Starr asserts: "A *Bangor Daily News* article from October 2018 reported that Ducktrap River of Maine processed 80,000 pounds of salmon every week, which appears to include both the Products and wild-caught salmon. . . . Even if Ducktrap never increased its production that would mean Mowi sold at least 4 million pounds of smoked salmon per year (totaling more than 16 million pounds over the class period). Because Ducktrap Products are sold

mostly in 4-ounce packages, the number of units purchased by Class members over the class period may thus exceed 60 million.” Dkt. No. 73 at 15 (footnotes omitted). Again, the figure referenced in the article appears to refer to both the smoked Atlantic farmed salmon products at issue in this lawsuit and also other products that are not at issue in this lawsuit. Ms. Starr’s speculation about the number of units purchased is not correct. Mowi Ducktrap, LLC has never sold 4 million or more pounds of smoked salmon in a year.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 2021 in Belfast, Maine.

  
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Donald Cynewski