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8 *Class Counsel*

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

11 MARY BETH MONTERA, individually and  
on behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 PREMIER NUTRITION CORPORATION  
15 f/k/a JOINT JUICE, INC.,

16 Defendant.

Case No. 3:16-CV-06980 RS

**DECLARATION OF TIMOTHY G. BLOOD  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND  
SERVICE AWARD FOR CLASS  
REPRESENTATIVE**

**CLASS ACTION**

Date: April 30, 2026  
Time: 1:30 p.m.  
Judge: Honorable Richard Seeborg  
Courtroom: Courtroom 3, 17th Floor

Complaint Filed: December 5, 2016

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1 I, TIMOTHY G. BLOOD, declare:

2 1. I am the managing partner in the law firm Blood Hurst & O'Reardon, LLP, one of  
3 counsel for Plaintiff in this action. I am court-appointed Class Counsel pursuant to Federal Rule of  
4 Civil Procedure 23(g) in the above-entitled matter. I have personal knowledge of the matters set  
5 forth in this declaration or believe them to be true based on facts and events made available to me  
6 and would be competent to testify as to them. I make this declaration in support of Plaintiff's motion  
7 for an award of attorneys' fees, expenses, and a service award for the Class Representative.

8 2. As discussed in the concurrently filed motion, the Settlement does not create a new  
9 fee award or amount; it effectuates payment of the fee and expense awards this Court has already  
10 determined to be reasonable under controlling authority and the Ninth Circuit has affirmed. I believe  
11 these previously awarded fees and costs are fair and reasonable under controlling law, particularly  
12 considering the results realized for the Class and the time and expense spent by Plaintiff's Counsel  
13 to achieve the results.

14 3. The outstanding Settlement was reached after substantial litigation and discovery  
15 over the past 12 years of litigation. This Action was certified, tried to a jury that reached a verdict,  
16 and judgment was entered and subject to multiple appeals. The Court has issued nearly 100 orders  
17 over the course of the litigation. The disputed motions in this Action involved a motion for class  
18 certification, motion for leave to amend to file an amended complaint and substitute the class  
19 representative, motions for judgment on the pleadings, two motions for decertification, a jury trial  
20 and verdict followed by post-trial motions including a motion for a new trial and motions for  
21 judgment as a matter of law, expert discovery, *Daubert* motions, and motions in limine. In this  
22 Action, there has been substantial appellate work, including appeals of the judgment and fee and  
23 expense awards to the Ninth Circuit, a request to certify questions to the New York Court of Appeals  
24 filed with the Ninth Circuit, a petition for *en banc* rehearing with the Ninth Circuit, a motion to stay  
25 the mandate filed with the Ninth Circuit, and a petition for a writ of certiorari in the United States  
26 Supreme Court. In the course of the litigation, Plaintiff's Counsel (1) conducted and defended 64  
27 depositions, including those of Premier's corporate designees, its CEO (on two occasions and as a  
28 live witness at trial), current and former marketing, operations, and science employees, and

1 scientific, marketing and damages-related experts; (2) reviewed over 500,000 pages of documents  
2 produced by Premier; and (3) served 36 subpoenas on third parties with involvement in marketing  
3 and retail sales issues who produced thousands of pages of documents. Plaintiff's Counsel also  
4 responded to discovery served on Montera and the plaintiffs in the Other Actions, defended the  
5 depositions of twelve named plaintiffs whose testimony was used throughout the litigation, and  
6 worked with more than eleven of their own expert witnesses and additional consultants to prepare  
7 for class certification, summary judgment, and trials, including preparing and exchanging expert  
8 reports and conducting and defending expert depositions. 48 expert reports or declarations were  
9 exchanged by the parties at various stages of the litigation. In 2022, Plaintiff's Counsel prepared  
10 and tried *Montera* for nine days before a jury in the Court.

11 4. The Settlement is the product of extensive, arms'-length negotiations by well-  
12 informed Parties. Throughout the course of the litigation—before and after class certification, trial,  
13 and the multiple appeals—the Parties participated in seven formal and numerous informal mediation  
14 and settlement negotiation sessions with six mediators, including before Martin Quinn, Esq. at  
15 JAMS on December 3, 2013, the Honorable Carl West (Ret.) at JAMS on April 9, 2015, the  
16 Honorable Layn Phillips (Ret.) at Phillips ADR on September 24, 2020, Scott S. Markus, Esq. at  
17 Signature Resolution on April 8, 2024, the Honorable James Reilly (Alameda Superior Court) on  
18 June 24, 2024 and July 10, 2024, and the Honorable Brad Seligman (Alameda Superior Court) on  
19 June 23, 2025. Following the conclusion of the full-day mediation with Judge Seligman, a  
20 mediator's proposal was delivered, which the Parties subsequently accepted.

21 5. In the concurrently filed fee motion, Class Counsel request payment of the previously  
22 awarded attorneys' fees and expense awards to Plaintiff's Counsel for work performed in this Action  
23 in the amount of \$8,912,713.85, plus statutory post-judgment interest through October 20, 2025, in  
24 the amount of \$1,079,514.07, for a total of \$9,992,227.92. Class Counsel also request payment of  
25 the previously awarded service award to the Class Representative in the amount of \$25,000, plus  
26 statutory post-judgment interest, through October 20, 2025, in the amount of \$3,294, for a total of  
27 \$28,294.

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1           6.       On October 4, 2022, the Court granted, in part, Montera's bill of costs and entered  
 2 an order taxing costs in the amount of \$54,455.74. *See* ECF No. 314. Pursuant to orders dated  
 3 October 4, 2022, October 18, 2022, August 7, 2023, November 8, 2024, February 3, 2025, and  
 4 February 19, 2025, Plaintiff's Counsel was awarded a total of \$7,781,957.78 in attorneys' fees and  
 5 \$1,130,756.07 in litigation expenses, which includes the taxed costs referenced above and expenses  
 6 incurred in this Action, including the appeals. *See* ECF Nos. 346, 381. In addition, Ms. Montera was  
 7 awarded a \$25,000 service award. *See* ECF No. 320. The previously awarded attorneys' fees and  
 8 expenses total \$8,912,713.85 in principal and accrue statutory post-judgment interest pursuant to 28  
 9 U.S.C. § 1961(a) and *Friend v. Kolodziejczak*, 72 F.3d 1386, 1391–92 (9th Cir. 1995). Plaintiff's  
 10 Counsel's lodestar and expenses underlying these awards were fully detailed and documented and  
 11 were the subject of extensive briefing, including affirmance by the Ninth Circuit Court of Appeals.  
 12 *See Montera v. Premier Nutrition Corp.*, 2025 U.S. App. LEXIS 1812 (9th Cir. Jan. 28, 2025).

13           7.       The total Settlement Amount of \$19,160,186.47 in this Action consists of the Class  
 14 Judgment Amount, Attorneys' Fees and Expenses and the Class Representative Service Award,  
 15 including post-judgment interest on each of these amounts through October 20, 2025, which is the  
 16 date that the Settlement Agreement and Motion for Preliminary Approval was filed. These Court-  
 17 ordered amounts and corresponding interest are as follows:

- 18           • *Montera* Class Judgment Amount (\$9,139,664.55):
  - 19           ○ \$8,312,450.00 plus \$827,214.55 interest since August 12, 2022.
  - 20           ○ The applicable post-judgment interest amount is based on the statutory
  - 21           rate (3.12%) that applies based on the judgment date of August 12,
  - 22           2022.
- 23           • *Montera* Class Representative Service Award (\$28,294.00)
  - 24           ○ \$25,000 plus \$3,294.00 interest since October 18, 2022.
  - 25           ○ The applicable post-judgment interest amount is based on the statutory
  - 26           rate (4.38%) that applies based on the award entitlement date of October
  - 27           18, 2022.

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- *Montera* Awards of Attorneys’ Fees (\$8,713,326.00) and Expenses (\$1,278,901.92) totaling \$9,992,227.92:
  - 1. Fees and Expenses Awarded Following Trial: \$7,925,628.82 plus \$1,044,280.85 interest since October 18, 2022.
    - The applicable post-judgment interest amount is based on the statutory rate (4.38%) that applies based on the award entitlement date of October 18, 2022. *See Friend*, 72 F.3d at 1391–92 (post-judgment interest on fees begins accruing “from the date that entitlement to fees is secured, rather than from the date the exact quantity of fees is set.”).
  - 2. Taxed Costs Awarded Following Trial: \$54,455.74 plus \$6,746.20 interest since October 4, 2022.
    - The applicable post-judgment interest amount is based on the statutory rate (4.07%) that applies based on the taxing costs date of October 4, 2022.
  - 3. Fees and Expenses Awarded Following *Montera I* Appeal: \$931,508.39 plus \$28,443.93 interest since February 3, 2025.
    - The applicable post-judgment interest amount is based on the statutory rate (4.19%) that applies based on the award date of February 3, 2025.
  - 4. Taxed Costs Awarded Following *Montera I* Appeal: \$985.80 plus \$39.23 interest since November 20, 2024.
    - The applicable post-judgment interest amount is based on the statutory rate (4.35%) that applies based on the taxing costs date of November 20, 2024.
  - 5. Taxed Costs Awarded Following *Montera II* Appeal: \$135.10 plus \$3.85 interest since February 19, 2025.

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- The applicable post-judgment interest amount is based on the statutory rate (4.26%) that applies based on the taxing costs date of February 19, 2025.

8. While more work lies ahead, to date Plaintiff’s Counsel has expended significant resources that all led to achieving the outstanding result at trial.

9. My firm prosecuted this litigation on a pure contingent basis with no guarantee of recovery. Primarily my firm, but also along with co-counsel, incurred 100% of the risk in pursuing the litigation. Over the course of nearly ten years, my firm advanced well over a million dollars in expenses with the understanding that we would be paid a fee and receive reimbursement for expenses only if successful. We took on and prevailed against a publicly traded, billion-dollar company that was supported by a team of a highly experienced class action and trial attorneys from three AmLaw 100 law firms: Arnold & Porter, Venable, and Morrison & Foerster. Following the trial verdict, a fourth AmLaw 100 law firm, Faegre Drinker Biddle & Reath, appeared as additional counsel for Premier.

10. My firm passed on other employment opportunities to devote the time and resources necessary to pursue this litigation.

11. My firm has been involved in every aspect of the litigation from inception through the present. I oversaw each aspect of the litigation and had primary responsibility for overall litigation strategy. I was personally involved in drafting every substantive pleading in this litigation, including class certification, summary judgment and *Daubert* motions, taking the lead role at all oral arguments, closely coordinating with Thomas O’Reardon, Paula Brown, and Craig Straub about discovery and expert strategy to efficiently delegate and allocate responsibilities based on seniority, billing rate and expertise, defended three depositions of Plaintiff’s experts, worked with Plaintiff’s retained experts, assisted with trial preparation, and took a lead role at trial where I cross-examined one of Defendant’s primary consumer survey experts. I was also personally involved in drafting and strategy relating to our successful efforts to defend the trial verdict and judgment on appeal and upon remand.

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1 12. The services rendered and work performed by my firm's attorneys and staff covered  
2 every aspect of this extensive, hard-fought litigation. The Settlement was reached after substantial  
3 litigation and discovery over the past 12 years of litigation. My firm took the lead at every stage of  
4 this Action and remained actively involved from inception through trial, post-trial proceedings, and  
5 appeal.

6 13. I am thoroughly familiar with the quality and quantity of work done in this case by  
7 all lawyers representing Plaintiff and the Class. Along with Mr. O'Reardon, I have endeavored to  
8 ensure there was no unnecessary work or duplication of effort. I also note that my firm does not  
9 have a billable hour requirement and does not award bonuses or raises based on billed hours.

10 14. I believe the time expended by my firm in this litigation was reasonable and  
11 necessary considering the amount of work required to litigate, try, and successfully defend the  
12 Action through multiple appeals. My firm was lead counsel and played the primary role in briefing  
13 and arguing every motion, pursuing discovery, working with experts, preparing for trial, and  
14 conducting the class trial. There has been no unreasonable duplication of services for which my firm  
15 and my co-counsel now seek compensation. In the situations in which two or more attorneys  
16 participated in any matter, the participation was reasonable because of the complexity of the issues  
17 involved and the time constraints which existed. I believe tasks were delegated appropriately among  
18 senior attorneys, junior attorneys, and paralegals according to their complexity.

19 15. As discussed in connection with the previous fee and expense motions filed in April  
20 2023 (Dkt. No. 328) and October 2024 (Dkt. No. 81 in Appellate Case No. 22-16375), the lodestar  
21 calculations submitted were based on the firm's billing rates as of the time of the previous fee and  
22 expense motions, other than those no longer employed by the firm, in which event their billing rate  
23 at the time they stopped working at the firm is used. These rates have been determined to be  
24 reasonable by numerous other courts in class action litigation. My firm's billing rates have increased  
25 by more than 10% since April 2023 and October 2024 when the fee motions were submitted and  
26 adjudicated. Nevertheless, Class Counsel does not seek any increase based on current billing rates.

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1           16.     The hours and lodestar incurred by my firm will increase because, as Class Counsel,  
2 my firm is responsible for working with the settlement notice and claims administrator, overseeing  
3 the notice and claims administration process, communicating with Class Members, preparing the  
4 final approval motion and attending the final approval hearing, and defending the final approval  
5 order and judgment on appeal if necessary.

6           17.     Class Counsel does not seek any new or enhanced fee award in connection with the  
7 Settlement. The amounts requested are limited to those previously awarded by this Court and  
8 affirmed on appeal, together with statutory post-judgment interest. The Settlement merely provides  
9 a mechanism for payment of those adjudicated amounts.

10           18.     In addition, we seek entry of an order awarding and confirming the previously  
11 awarded taxed and non-taxed expenses. As previously attested and confirmed by this Court and the  
12 Ninth Circuit, the out-of-pocket litigation expenses for which we seek payment are reasonable in  
13 amount and were necessary for the effective and efficient prosecution of the litigation. I believe the  
14 expenses are of a type that normally would be charged to a fee-paying client in the private legal  
15 marketplace and have been charged by my firm to fee-paying clients. They are also the categories  
16 of expenses that have been awarded to my firm and other plaintiff's counsel in other class action  
17 lawsuits.

18           19.     We also seek an order awarding and confirming the previously awarded service  
19 award for the named plaintiff and Class Representative, Mary Beth Montera. As this Court  
20 previously determined, the \$25,000 service award is fair compensation for the services rendered by  
21 Ms. Montera. Dkt. No. 320 at 8; *see also* Dkt. No. 296-4 (Declaration of Mary Beth Montera). Ms.  
22 Montera has been an exemplary class representative whose dedication, hard work and helpfulness  
23 was exceptional. In the years following the trial and verdict, Ms. Montera has continued to remain  
24 informed, interested and involved in this Action, including reviewing and approving the Settlement  
25 Agreement in this Action.

26           20.     The table below summarizes the total amounts requested, reflecting the principal  
27 amounts previously awarded by this Court (and taxed by the Clerk and the Ninth Circuit), together  
28 with statutory post-judgment interest accrued through October 20, 2025:



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**CERTIFICATE OF SERVICE**

I hereby certify that on February 25, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

Executed on February 25, 2026.

*s/ Timothy G. Blood*

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TIMOTHY G. BLOOD

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