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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 ERYN MARCHIOLO  
IN SUPPORT OF *CY PRES* DESIGNATION  
OF THE RHEUMATOLOGY RESEARCH  
FOUNDATION**

**CLASS ACTION**

Date: May 7, 2026  
Time: 1:30 p.m.  
Judge: Honorable Richard Seeborg  
Courtroom: Courtroom 3, 17th Floor

Complaint Filed: December 5, 2016

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I, ERYN MARCHIOLO, declare as follows:

1. I am the Executive Director of the Rheumatology Research Foundation (the “Foundation”) and have worked at the Foundation since 2013. I submit this declaration in support of the proposed designation of the Rheumatology Research Foundation as a recipient of a potential *cy pres* distribution in connection with the *Bland v. Premier Nutrition* and *Sonner v. Premier Nutrition* class action settlement. I have personal, first-hand knowledge of the facts set forth in the declaration, except where otherwise specifically indicated.

2. The Foundation is a tax-exempt 501(c)(3) nonprofit organization, EIN 58-1654301, established in 1985. The Foundation’s mission is “to advance research and training to improve the health of people with rheumatic diseases.” It is the largest private funding source of rheumatology research and training programs in the United States. The Foundation’s strong fiscal responsibility places us among the top 0.5% of charities nationwide, enabling us to focus on what matters most—the health and well-being of patients living with rheumatic diseases, including osteoarthritis (OA). In 2024, the Foundation earned its 16th consecutive four-star rating—the highest possible—from Charity Navigator as a result of its transparency and utilization of funds. The Foundation also received another Platinum Seal of Transparency from Candid. Copies of our Annual Reports, Financial Statements, and Form 990s are publicly available on our website, [www.rheumresearch.org](http://www.rheumresearch.org).

3. The Foundation maintains an independent Board of Directors composed of leading rheumatology experts in the United States. These appointed officials are affiliated with the country’s leading medical organizations and universities, including Northwestern University, Johns Hopkins University, Washington University, Cleveland Clinic, and Hospital for Special Surgery, among others. ([www.rheumresearch.org/leadership](http://www.rheumresearch.org/leadership)). The Foundation also establishes official councils (Impact Advisory Council, Scientific Advisory Council, Development Advisory Council, and Leadership Development Council) to support its research, education, and advocacy missions—each with separate committee structures that also include world-renowned experts in their fields. In addition, the Foundation appoints expert peer reviewers who are charged with rigorously reviewing all applications for awards and grants to ensure the proposals adhere to specific criteria and are of a

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1 high quality.

2 4. The Foundation supports its mission through awarding grants for innovative  
3 research, career-development awards, and education/training awards aimed at increasing patient  
4 access to care and accelerating discoveries. For example, the Foundation's "Innovative Research  
5 Award" supports independent investigators in rheumatologic disease research. It also offers "Career  
6 Development Research Awards" to early and mid-career investigators. It offers "Education and  
7 Training Awards" including fellowship training awards for rheumatology programs, clinician  
8 scholar educator awards, and other workforce-expansion awards.

9 5. Rheumatic diseases include osteoarthritis (OA), rheumatoid arthritis (RA), juvenile  
10 idiopathic arthritis, lupus, and other autoimmune and musculoskeletal disorders. These diseases  
11 cause significant joint pain, loss of mobility, disability, reduced quality of life, and substantial  
12 economic cost. The Foundation dedicates funding toward translational and clinical, basic science,  
13 and health services research to develop better treatments, slow disease progression, improve patient  
14 outcomes, and ultimately reduce the public health burden of these conditions.

15 6. Osteoarthritis is the most common form of joint disease worldwide, affecting over  
16 32 million people in the United States each year. It is characterized by the progressive degeneration  
17 of articular cartilage in the joints, leading to joint pain and disability. Along with a decreased quality  
18 of life, osteoarthritis results in a significant economic burden, with total medical costs over 400  
19 billion dollars in the United States annually. Despite the enormous socioeconomic cost of  
20 osteoarthritis, no disease-modifying drugs exist, and treatment is limited to pain-relievers such as  
21 non-steroidal anti-inflammatory drugs (e.g., ibuprofen, naproxen), and at the end-stage, total joint  
22 replacement with a metal and plastic prosthesis.

23 7. The Foundation is a long-standing funding source for scientific education and  
24 research. It regularly awards grants to deserving research projects that focus on osteoarthritis and  
25 other musculoskeletal conditions that fit the Foundation's purpose. Since 1985, the Foundation has  
26 provided more than \$243 million through 4,982 awards to increase patient access to care and  
27 accelerating scientific discoveries related to osteoarthritis and other musculoskeletal conditions. The  
28 Foundation's procedures for awarding research grants meet the standards of education and research

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1 institutions regarding transparency, including the peer-review process of reviewing and awarding  
2 grants for bona fide research projects and selecting bona fide recipients.


3 8. The Foundation understands that the amount of funds ultimately distributed to it as  
4 a *cy pres* recipient will depend on the amount remaining after distribution to the settlement class.  
5 No matter the amount, the Foundation will earmark and set aside the *cy pres* funds to help fund  
6 osteoarthritis- and joint-disease-related research, education, and training initiatives consistent with  
7 the mission of the Foundation and aligned with the subject matter of these cases.

8 9. The Rheumatology Research Foundation's procedures for awarding grants mirror  
9 best practices in the field and ensure that funding decisions are fair, rigorous, and aligned with our  
10 mission. Independent rheumatology experts carefully and independently evaluate submitted  
11 applications based on feasibility, significance, and potential outcomes, helping our organization  
12 prioritize proposals most likely to advance the field and achieve meaningful results.

13 10. The Rheumatology Research Foundation will use any *cy pres* money it receives to  
14 continue funding the best science by the most promising investigators in the field of osteoarthritis  
15 research and training, and the field of rheumatology as a whole.

16 11. The Rheumatology Research Foundation has never previously awarded any money  
17 to or accepted any money from any parties in this lawsuit.

18 I declare under penalty of perjury under the laws of the United States and the State of  
19 California that the foregoing is true and correct. Executed this 9 day of March, 2026, at Atlanta,  
20 Georgia.

21  
22 By:   
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24 ERYN MARCHIOLO  
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