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7 *Class Counsel*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ALAMEDA – NORTHERN DIVISION**

10 PATRICIA BLAND and EDWARD
WHITE, individually and on behalf of all
11 others similarly situated,

12 Plaintiff,

13 v.

14 PREMIER NUTRITION COMPANY,
LLC; and DOES 1-25, inclusive,

15 Defendant.

16
17 KATHLEEN SONNER, individually and
on behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 PREMIER NUTRITION COMPANY,
LLC; and DOES 1-25, inclusive,

21 Defendant.

Lead Case No. RG19002714
Related to RG20072126 (Sonner)

Assigned for All Purposes to:
Honorable Michael Markman
Department 1

CLASS ACTION

**DECLARATION OF TIMOTHY G.
BLOOD IN SUPPORT OF PLAINTIFFS'
NOTICE OF MOTION AND MOTION
FOR: (1) FINAL APPROVAL OF CLASS
ACTION SETTLEMENT; (2) AN AWARD
OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES, AND
(3) SERVICE AWARDS TO CLASS
REPRESENTATIVES**

Date: May 5, 2026
Time: 10:00 a.m.

Bland Complaint Filed: 1/15/2019
Sonner Complaint Filed: 9/01/2020

1 I, TIMOTHY G. BLOOD, declare as follows:

2 1. I am the managing partner of the law firm of Blood Hurst & O'Reardon, LLP,
3 and Class Counsel in the above-entitled actions. I am an attorney licensed to practice before all
4 courts of the State of California. I have personal knowledge of the matters stated herein and, if
5 called upon, I could and would competently testify thereto.

6 2. I make this declaration in support of Plaintiffs' Motion for Final Approval of
7 Class Action Settlement, for an Award of Attorneys' Fees and Reimbursement of Expenses, and
8 for Service Awards to Class Representatives.

9 **I. INTRODUCTION**

10 3. I previously submitted a declaration in support of Plaintiffs' motion for
11 preliminary approval where I described the history of this thirteen-year litigation, which I
12 incorporate by this reference.

13 4. The Stipulation of Settlement (the "Settlement Agreement") is attached as
14 Exhibit 1 to the Blood Preliminary Approval Declaration filed on October 24, 2025. Terms that
15 are capitalized in this declaration refer to matters defined in the Settlement Agreement, which
16 are also capitalized.

17 5. The Settlement—the largest ever all-cash settlement of a dietary supplement
18 false advertising case—was reached after substantial litigation and discovery over the past 13
19 years of litigation. *Sonner* was originally filed in federal court on March 13, 2013. Over the
20 following decade-plus of continuous litigation, this Court and the District Court ruled on many
21 contested motions for class certification, eventually certifying nine classes of consumers from
22 eight different states. Plaintiffs prepared for trial three times. In 2017, Plaintiffs' Counsel
23 prepared the *Sonner* case for trial before it was dismissed by the District Court just weeks
24 before trial was set to begin. In 2022, Plaintiffs' Counsel prepared and tried *Montera* before a
25 jury for nine days in the District Court. In 2024, Plaintiffs' Counsel prepared the *Bland* and
26 *Sonner* state actions for a joint trial, which commenced but was stayed after the *Montera I*
27 decision was issued. The disputed motions included motions for class certification, motions for
28 judgment on the pleadings, motions for decertification, a jury trial and verdict followed by

1 post-trial motions including a motion for a new trial and motions for judgment as a matter of
2 law, expert discovery, *Sargon* motions, *Daubert* motions, and motions in limine. There also
3 has been substantial appellate work, including appeals and appellate activity resulting from:
4 (1) the *Sonner* District Court dismissal order that led to the filing of *Sonner* in this Court
5 (“*Sonner I*”), (2) the District Court’s refusal to enjoin *Sonner* from proceeding in this Court
6 (“*Sonner II*”), (3) Premier’s petition for writ of mandate before the First Appellate District for
7 review of this Court’s refusal to apply issue preclusion in *Sonner*, (4) the *Montera* verdict,
8 judgment and fee and expense awards to the Ninth Circuit (“*Montera I*” and “*Montera II*”), (5)
9 a request to certify questions to the New York Court of Appeals filed with the Ninth Circuit,
10 (6) a petition for *en banc* rehearing with the Ninth Circuit, (7) a motion to stay the mandate
11 filed with the Ninth Circuit, and (8) a petition for a writ of certiorari in the United States
12 Supreme Court. In the course of the litigation, Plaintiffs’ Counsel (1) conducted and defended
13 64 depositions, including those of Premier’s corporate designees, its CEO (on two occasions
14 and as a live witness at trial), current and former marketing, operations, and science
15 employees, and scientific, marketing and damages-related experts; (2) reviewed over 500,000
16 pages of documents produced by Premier; and (3) served 36 subpoenas on third parties with
17 involvement in marketing and retail sales issues who produced thousands of pages of
18 documents. Plaintiffs’ Counsel also responded to discovery served on each of Plaintiffs,
19 defended the depositions of twelve named Plaintiffs whose testimony was used throughout the
20 litigation, and worked with more than thirteen of their own expert witnesses and additional
21 consultants to prepare for class certification, summary judgment, and trials, including
22 preparing and exchanging expert reports and conducting and defending expert depositions. 48
23 expert reports or declarations were exchanged by the parties at various stages of the litigation.
24 In 2022, Plaintiffs’ Counsel prepared and tried *Montera* for nine days before a jury in the
25 District Court. The litigation still did not settle—even after the Ninth Circuit ruling affirming
26 the *Montera* verdict—and so, in 2024, Plaintiffs’ Counsel litigated the *Bland* and *Sonner*
27 actions to trial as well.
28

1 6. The Settlement is the product of extensive, arms'-length negotiations by well-
2 informed Parties. Throughout the course of the litigation—before and after class certification,
3 trial, and the multiple appeals—the Parties participated in seven formal and numerous informal
4 mediation and settlement negotiation sessions with six mediators, including before Martin
5 Quinn, Esq. at JAMS on December 3, 2013, the Honorable Carl West (Ret.) at JAMS on April
6 9, 2015, the Honorable Layn Phillips (Ret.) at Phillips ADR on September 24, 2020, Scott S.
7 Markus, Esq. at Signature Resolution on April 8, 2024, the Honorable James Reilly (Alameda
8 Superior Court) on June 24, 2024 and July 10, 2024, and the Honorable Brad Seligman
9 (Alameda Superior Court) on June 23, 2025. Following the full-day mediation with Judge
10 Seligman, he issued a mediator's proposal that both Parties subsequently accepted.

11 7. I am informed by the Settlement Administrator that, based on retail sales
12 records obtained by my firm, 335,768 Class Members have been identified who purchased a
13 total of 1,045,186 Joint Juice units. These "Identified Class Members" will automatically
14 receive Cash Payments of \$10 or \$25 per unit for each purchase reflected in the retail sales
15 records, and no action is required. I am further informed that the aggregate Cash Payment
16 value associated with these identified units is approximately \$26,129,650, based on applying
17 the per-unit payment amounts set forth in the Settlement Agreement. In addition, as of March
18 16, 2026, the Settlement Administrator has received more than 24,000 claims. If all such
19 claims are deemed valid, the aggregate Cash Payment value of the units claimed is
20 approximately \$3.2 million. Based on the number of identified units, the current volume of
21 claims, and the anticipated future claims rate, I am informed that Class Members are expected
22 to receive Cash Payments at or above the stated \$10 or \$25 per-unit amounts (which
23 themselves approximate 150% of the average retail price). Given the size of the Settlement
24 Fund relative to the total value of automatically paid and claimed units, it is expected that Cash
25 Payment amounts will be increased slightly on a pro rata basis in accordance with the
26 Settlement Agreement. It is not expected that Cash Payment amounts will need to be reduced.
27 The Settlement Administrator will provide updated information regarding the number and
28 value of claims in connection with the reply in support of final approval.

1 **II. THE REQUESTED ATTORNEYS' FEES**

2 8. I believe that the requested fees and costs are fair and reasonable under
3 controlling law, particularly considering the results realized for the Class. I also believe that
4 the requested service awards are fair compensation for the services rendered by the Class
5 Representatives. Attached as **Exhibit 1** is a compendium of declarations from each Class
6 Representative in support of the application for service awards. My prior declaration also
7 described the significant efforts and responsibilities undertaken by each of the Class
8 Representatives.

9 9. My firm, which is a small contingency-only plaintiffs' firm prosecuted this
10 litigation for over 13 years with no guarantee of recovery. Primarily my firm, but also along
11 with co-counsel, incurred 100% of the risk in pursuing the litigation. Over the course of nearly
12 13 years my firm invested over 19,200 hours of attorney and staff time and advanced nearly \$2
13 million in expenses with the understanding that we would be paid a fee and receive
14 reimbursement for expenses only if successful. We took on and prevailed against a publicly
15 traded billion-dollar company that was supported by a team of a highly experienced class
16 action and trial attorneys from four AmLaw 100 law firms: Arnold & Porter, Venable,
17 Morrison & Foerster, and Faegre Drinker Biddle & Reath.

18 10. Over the past decade my firm also passed on many other employment
19 opportunities in order to devote the time and resources necessary to pursue this hard-fought
20 litigation.

21 11. My firm has taken the lead on every aspect of the litigation from inception in
22 2013 through the present—in federal court, state court, and courts of appeal in federal and
23 state court. I oversaw each aspect of the litigation and had primary responsibility for overall
24 litigation strategy and ultimately negotiating the Settlement. I was personally involved in
25 drafting every substantive pleading in these actions, including finalizing Plaintiffs' briefing
26 concerning class certification, summary judgment and trial-related motions, and took the lead
27 role at all oral arguments and during every settlement mediation. Throughout the litigation I
28 closely coordinated with my partners Thomas O'Reardon about discovery and expert strategy,

1 and with Leslie Hurst about appellate strategy to efficiently delegate and allocate
2 responsibilities. I also worked with each of Plaintiffs' retained experts, assisted with trial
3 preparation, and took a lead role during the *Montera* and *Bland* trials.

4 **A. Qualifications of Class Counsel and Their Roles in This Litigation**

5 12. The backgrounds and qualifications of the BHO attorneys who worked on the
6 matter are set forth in the Firm Resume, a true and correct copy is attached as **Exhibit 2** to this
7 declaration. BHO has significant experience prosecuting consumer protection class actions,
8 including class actions involving the false advertising of consumer products. We have been
9 appointed class counsel by state and federal courts throughout the country, have worked on a
10 number of appeals resulting in decisions presenting consumer protection law issues relevant to
11 this action, and frequently give continuing legal education lectures at seminars about class
12 actions, consumer protection and related issues. BHO has developed expertise in dietary
13 supplement false advertising cases, and in particular, class actions challenging the truthfulness
14 of health benefit claims made on the labels and advertising of dietary supplements and other
15 consumer products. We are responsible for obtaining landmark appellate decisions in this field
16 and for securing what was, before this Settlement, the largest, all-cash settlement in a dietary
17 supplement class action. *See Yamagata v. Reckitt Benckiser* (N.D. Cal. 2021) (\$50 million
18 settlement in action challenging the truthfulness of glucosamine/chondroitin joint health
19 claims); *Kroessler v. CVS Health Corp.*, 977 F.3d 803 (9th Cir. 2020) (no FDA preemption of
20 state consumer law claims challenging labeling of dietary supplements); *Sonner v. Schwabe N.*
21 *Am., Inc.*, 911 F.3d 989 (9th Cir. 2018) (plaintiff's burden of proof when challenging dietary
22 supplement labeling claims as false or misleading under state consumer protection laws);
23 *Rikos v. P&G*, 799 F.3d 497 (6th Cir. 2015) (class certification when challenging dietary
24 supplement labeling claims as false or misleading under state consumer protection laws), *cert.*
25 *denied*, 2016 U.S. LEXIS 2244 (U.S. Mar. 28, 2016); *Fitzpatrick v. General Mills, Inc.*, 635
26 F.3d 1279 (11th Cir. 2011) (same).

27 13. BHO has been appointed lead counsel by numerous state and federal courts,
28 including in complex and multi-district litigation involving fraud claims brought on behalf of

1 consumers. Since 2010, some of the consumer fraud class actions in which BHO was
2 appointed Class Counsel include: *Dremak v. Urban Outfitters, Inc.* (San Diego County
3 Superior Court) (obtained class certification and appointed Class Counsel in consumer fraud
4 case); *Serochi v. Bosa Development* (San Diego County Superior Court) (obtained class
5 certification and appointed Class Counsel in consumer fraud case); *Bland v. Premier Nutrition*
6 *Corporation* (Alameda County Superior Court) (certifying California class in false adverting
7 of health benefits concerning Joint Juice glucosamine product); *Yamagata v. Reckitt Benckiser*
8 *LLC* (N.D. Cal.) (certifying UCL, CLRA, FAL California class and New York §§ 349-350
9 class alleging false and deceptive advertising of health benefits of glucosamine products);
10 *Sonner v. Schwabe North America, Inc.* (C.D. Cal.) (false advertising of Ginkgold memory
11 supplement); *Rikos v. P&G* (S.D. Ohio) (false advertising of Align probiotic supplement);
12 *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (false advertising of glucosamine and
13 chondroitin supplement); *In re Hydroxycut Mktg. & Sales Practices Litig.* (S.D. Cal.) (false
14 advertising of Hydroxycut weight loss supplement); *Rosales v. FitFlop USA, LLC* (S.D. Cal.)
15 (false advertising of toning footwear); *Johnson v. General Mills, Inc.* (C.D. Cal.) (false
16 advertising of General Mills' YoPlus probiotic); *In re Skechers Toning Shoes Prods. Liab.*
17 *Litig.* (W.D. Ky.) (false advertising of Skechers' toning shoe products); *In re Reebok*
18 *EasyTone Litig.* (D. Mass.) (false advertising of Reebok's EasyTone footwear and apparel
19 products); *Johns v. Bayer Corp.* (S.D. Cal.) (false advertising of Bayer's One-A-Day men's
20 vitamins); *Godec v. Bayer Corp.* (N.D. Ohio) (false advertising of Bayer's One-A-Day men's
21 vitamins); *Fitzpatrick v. General Mills, Inc.* (S.D. Fla.) (false advertising of General Mills'
22 YoPlus probiotic); *Nelson v. Mead Johnson Nutrition Co.* (S.D. Fla.) (false and deceptive
23 advertising of health benefits of baby formula products); and *Gemelas v. The Dannon Co., Inc.*
24 (N.D. Ohio) (false advertising of Dannon's Activia and DanActive probiotic products).

25 14. My firm has also tried, either as assisting counsel or co-counsel, numerous class
26 actions. As one recent example, I was lead trial counsel in *Turrey v. Vervent, Inc.*, (S.D. Cal.
27 2023), a rare nationwide civil RICO class action tried to jury verdict. There, I successfully
28 represented a class of ITT Tech student loan borrowers who were forced into loans used in a

1 scheme to defraud them, taxpayers, and the federal government. In addition to those listed
2 above, BHO is responsible for a number of additional appeals resulting in consumer protection
3 decisions—many of which are directly relevant to this litigation. *See also, e.g., People v.*
4 *Experian Data Corp.*, 106 Cal. App. 5th 799 (2024) (the discovery rule in UCL cases);
5 *Montera v. Premier Nutrition Corp.*, 111 F.4th 1018 (9th Cir. 2024) (consumer law and false
6 advertising), *en banc rehearing denied*, 2024 U.S. App. LEXIS 26398 (9th Cir. Oct. 18, 2024);
7 *Gostev v. Skillz Platform, Inc.*, 88 Cal. App. 5th 1035 (2023) (mandatory arbitration of
8 consumer claims under the UCL and CLRA); *O'Connor v. Road Runner Sports, Inc.*, 84 Cal.
9 App. 5th 224 (2022) (mandatory arbitration and class action waivers); *Aliff v. Vervent, Inc.*,
10 2021 U.S. App. LEXIS 37348 (9th Cir. Dec. 17, 2021) (mandatory arbitration of consumer
11 claims); *Bell v. Publix Super Mkts., Inc.*, 982 F.3d 468 (7th Cir. 2020) (consumer law and false
12 advertising); *Kuhns v. Scottrade, Inc.*, 868 F.3d 711 (8th Cir. 2017) (consumer standing);
13 *Corvello v. Wells Fargo Bank, NA*, 728 F.3d 878 (9th Cir. 2013) (consumer and banking law);
14 *Kwikset Corp. v. Sup. Ct.*, 51 Cal. 4th 320 (2011) (consumer law and false advertising);
15 *McKell v. Wash. Mutual, Inc.*, 142 Cal. App. 4th 1457 (2006); *Kruse v. Wells Fargo Home*
16 *Mortgage, Inc.*, 383 F.3d 49 (2d Cir. 2004) (consumer and banking law); *Lebrilla v. Farmers*
17 *Group, Inc.*, 119 Cal. App. 4th 1070 (2004); *Moore v. Liberty Nat'l Life Ins. Co.*, 365 F.3d 408
18 (5th Cir. 2004) (life insurance, consumer protection and civil rights); *Lavie v. Procter &*
19 *Gamble, Co.*, 105 Cal. App. 4th 496 (2003). I am a frequent lecturer at seminars about class
20 actions, consumer protection, and related issues. I a member of the Board of Directors of the
21 Consumer Attorneys of California and was the 2015 President of the Consumer Attorneys of
22 San Diego.

23 15. Described below are the general roles and responsibilities of each professional
24 at BHO who worked on this litigation.

25 16. My partner, Thomas O'Reardon also played a primary role in prosecuting this
26 litigation and was responsible for day-to-day litigation of these actions, including pursuing
27 discovery from Defendant and third parties, responding to and drafting motions, including at
28 the summary judgment and class certification stages, and working with each of Plaintiffs'

1 experts in preparing declarations and reports. Mr. O'Reardon took a lead role on thirty-nine
2 (39) depositions of party and non-party witnesses and outside experts. He took the depositions
3 of Defendant's current and former employees and Rule 30(b)(6) designee who played various
4 roles in the marketing, sales, scientific substantiation of Joint Juice, taking the depositions of
5 Defendant's outside experts on matters of science, damages, marketing, and consumer surveys,
6 and defending the depositions of experts on matters of marketing, consumer surveys, damages
7 and science. He also took the lead role on 36 subpoenas to third parties, and negotiating with
8 each of their in-house or outside counsel to obtain relevant information. The information
9 obtained from the third parties was utilized in connection with fact witness and expert
10 depositions, expert reports, class certification, summary judgment, and trial. He also attended
11 the *Montera* trial where he helped prepare witnesses, aided in devising direct and cross
12 examination strategies, and helped create opening and closing statements and the trial
13 demonstratives. He also took a lead role in the trial preparation efforts in 2017 for the Sonner
14 federal court action, and in the 2024 trial of *Bland* and *Sonner*. He has substantial experience
15 litigating consumer product false advertising cases, including over seventeen years working
16 with scientific experts on matters of the scientific veracity of health benefit claims. As a result
17 of this experience, which includes years of experience litigating deceptive health benefit
18 claims on the labels of dietary supplements in general, and glucosamine product cases in
19 particular, he was able to litigate this matter efficiently and effectively from the filing of the
20 complaint, through discovery, class certification, summary judgment, expert retention and
21 workup of their reports and the review of opposing expert work, trial preparation, and trial
22 itself.

23 17. My partner, Leslie Hurst, is an appellate attorney who has authored numerous
24 trial and appellate briefs on relevant issues relating to scientific substantiation and efficacy,
25 structure / function and implied disease claims, the scope of preemption under the Dietary
26 Supplement Health and Education Act of 1994 ("DSHEA"), and rights to pursue equitable
27 relief in federal courts. For instance, Ms. Hurst argued before the Ninth Circuit Court of
28 Appeals in *Sonner v. Schwabe North America, Inc.*, No. 17-55261 (argued May 16, 2018; op.

1 filed Dec. 26, 2018), *Sonner v. Premier Nutrition Corp.*, No. 18-15890 (argued Dec. 3, 2019;
2 amended op. filed Aug. 20, 2020), *Kroessler v. CVS Health Corp.*, No. 19-55671 (argued July
3 8, 2020; op. filed Oct. 9, 2020), *Seegert v. Rexall Sundown, Inc.*, No. 20-55486 (argued Sept.
4 3, 2021; op. filed Feb. 1, 2022), *Sonner v. Premier Nutrition Corp.*, No. 21-15526 (argued
5 May 23, 2022). Here, besides taking the lead role on the appeals in *Sonner* and *Montera*, Ms.
6 Hurst worked on the briefing relating to the motions for class certification, Defendant's
7 summary judgment, Defendant's motion for judgment on the pleadings, the *Montera* post-trial
8 motions (for a new trial, decertification, entry of judgment, and Defendant's motion for
9 judgment as a matter of law), the *Montera* post-remand statutory damages proceedings, and
10 the motions for issue preclusion briefed in state and federal court.

11 18. Paula Brown is a partner at BHO. Ms. Brown has significant experience
12 litigating false advertising cases relating to dietary supplements. Ms. Brown's experience also
13 includes trying certified class actions. In this litigation, Ms. Brown played a central role in
14 prosecuting this litigation including defending or taking eleven depositions including
15 defending six named plaintiff depositions which took place around the country, taking the
16 deposition of three of Defendant's primary expert witnesses, and defending two of Plaintiff's
17 experts, preparing the named plaintiffs for their depositions, drafting motions *in limine* before
18 trial, at the summary judgment stage, and as the rest of the team was working simultaneously
19 at the *Montera* class trial, worked on the summary judgment-related briefing, including as
20 primary drafter of motions to exclude the testimony of Defendant's experts, and worked on
21 trial-related briefing, including as the primary drafter of the jury instructions, verdict form, and
22 motions to exclude expert testimony of Defendant's expert William Choi and others. In 2023
23 and 2024, Ms. Brown took an increasingly active role in this litigation as the *Bland* and *Sonner*
24 trial approached, and Ms. Brown along with myself and Mr. O'Reardon traveled to Oakland as
25 a member of the trial team taking lead responsibilities for marketing issues, including both
26 parties' marketing and consumer survey experts, as well as drafting *Sargon* motions and
27 motions in limine. Ms. Brown also assisted with briefing the motions for issue preclusion filed
28 in state and federal court.

1 19. Jennifer MacPherson is Senior Counsel at BHO where she works as a full-time
2 salaried attorney. Before joining BHO in 2012, Ms. MacPherson spent years litigating class
3 actions, including at the law firm Milberg Weiss (now Robbins Geller Rudman & Dowd,
4 LLP). Ms. MacPherson's work on this litigation included assisting with obtaining discovery
5 from subpoenaed retailers of Joint Juice (a unique task she has experience with from other
6 consumer product class actions), drafting briefing relating to evidence submitted at summary
7 judgment, and assisting Ms. Hurst in the two *Sonner* appeals and with class certification
8 briefing.

9 20. Prior to his departure in October 2022 to become a partner at another class
10 action firm, Craig Straub was an associate at BHO. Mr. Straub and Mr. O'Reardon were the
11 attorneys at BHO responsible for much of the day-to-day litigation of these cases. In these
12 actions, Mr. Straub was tasked with reviewing and analyzing the hundreds of thousands of
13 pages of documents produced by Defendant and third parties. Mr. Straub had primary
14 responsibility for organizing this large volume of data and identifying "hot" documents in
15 connection with class certification, summary judgment, fact and expert depositions, expert
16 review, focus groups, and trial preparation including drafting the trial exhibit list. Mr. Straub
17 drafted numerous memoranda about these key documents and other factual and evidentiary
18 issues he identified and met with the other attorneys on the team throughout the litigation to
19 apprise them of these facts. Since joining BHO in 2016, Mr. Straub was also the primary
20 attorney tasked with organizing and preparing potential exhibits for nearly every deposition
21 conducted by my firm and co-counsel in this litigation. Mr. Straub assisted as second chair for
22 eleven depositions throughout the litigation. Mr. Straub assisted with propounding subpoenas
23 and discovery requests, meeting and conferring to obtain relevant discovery from Defendant
24 and third parties, communicating with Class Members including retaining Ms. Montera and
25 other Class Representatives in the related actions, working with Plaintiffs' retained experts on
26 matters of science, sales and marketing, analyzing data for trial purposes, attending a
27 mediation session, drafting class certification and judgment on the pleadings briefing including
28 compiling all exhibits in support thereof, briefing motions to exclude Defendant's non-retained

1 experts and several motions *in limine* in connection with the *Montera* jury trial, drafting the
2 oppositions to Defendant's motions for decertification, and attending the *Montera* trial where
3 he created trial demonstratives, prepared trial exhibits, and developed memorandum, binders,
4 and strategy for direct and cross-examination of the trial witnesses. At BHO, Mr. Straub spent
5 most of his time litigating class actions involving the health benefit advertising of consumer
6 products in general and glucosamine supplements in particular. Thus, while Mr. Straub had a
7 significant load of responsibility in this litigation, I believe his knowledge, background and
8 experience, and by closely working with me to identify issues and avoid duplicative efforts,
9 allowed him to accomplish these tasks efficiently and effectively.

10 21. James M. Davis is an associate at BHO. Mr. Davis graduated from UCLA
11 School of Law and earned his Bachelor of Arts from Davidson College. Before joining the
12 firm, Mr. Davis prosecuted class actions on behalf of consumers, unfair competition law
13 claims on behalf of public entities, and mass torts involving pharmaceuticals. Mr. Davis also
14 served as a prosecuting attorney at the San Diego County District Attorney's Office in its
15 Economic Crimes Unit. His work on this litigation (49.65 hours) included research and
16 drafting relating to the *Bland* trial, including motions in limine, motion to bifurcate punitive
17 damages, and jury instructions. He also assisted with obtaining retailer data for Settlement
18 purposes.

19 22. In addition to BHO attorneys listed in the Firm Resume, BHO's senior
20 paralegal, Dafne Maytorena, has extensive experience. Prior to joining BHO in 2018, Ms.
21 Maytorena spent six years with the law firm Kessler Topaz Meltzer & Check LLP, focusing on
22 class action litigation. Before that, Ms. Maytorena gained additional experience as a paralegal
23 at several other law firms that also specialize in class action litigation: Robbins Arroyo, LLP,
24 Faruqi & Faruqi, LLP, and Bernstein, Litowitz, Berger & Grossman, LLP. Ms. Maytorena
25 earned her Paralegal Certificate from the University of San Diego in 2002, and her bachelor's
26 degree from the University of California, San Diego in 2002.

27 23. Michelle M. Chaseton is the former senior paralegal at BHO. Ms. Chaseton
28 received her paralegal certificate from the University of San Diego, a Bachelor of Arts in

1 Criminal Justice from University of Nevada, and a professional certificate in intellectual
2 property from the University of California, San Diego. Ms. Chaseton gained significant
3 experience as a paralegal at Milberg Weiss Bershad Hynes & Lerach, a firm that specialized in
4 class actions. Among other responsibilities in this litigation, Ms. Chaseton reviewed and
5 summarized deposition transcripts and prepared the original trial exhibit list and matrix in
6 connection with the 2017 trial scheduled in *Sonner*. This work product was used throughout
7 the litigation, including for the 2022 *Montera* and 2024 *Bland* trials.

8 24. Bethany C. Maxwell is a former paralegal at BHO. Prior to joining BHO, Ms.
9 Maxwell spent ten years with the law office of Buchalter Nemer, P.C. in San Francisco,
10 focusing on litigation. Ms. Maxwell earned her Paralegal Certificate at San Francisco State
11 University, where she was awarded Highest Honors and the Delmar Legal Studies Award for
12 excellence in legal research. She also holds a dual Bachelor's degree from Smith College. Ms.
13 Maxwell handled document management, prepared pleadings, discovery, and correspondence,
14 and obtained documents to respond to discovery. Ms. Maxwell was also responsible for
15 preparing the billing and expenses for the litigation and profiling and organizing court filings.

16 25. Aleksandr J. Yarmolinets was an associate at BHO. Mr. Yarmolinets earned his
17 B.S., magna cum laude from Embry Riddle Aeronautical University, his J.D. cum laude from
18 California Western School of Law, his LLM from Georgetown University Law Center, and
19 was admitted to the State Bar of California in 2011. Mr. Yarmolinets' primary responsibilities
20 were obtaining discovery from third parties, including drafting third-party subpoenas, and
21 meeting and conferring with the retailers' counsel to obtain sales data for this litigation.

22 26. Camille Bass is a former associate at BHO. Ms. Bass earned her B.S. from
23 Arizona State University, her J.D. from St. John's University School of Law, and she was
24 admitted to the State Bar of California in 2014. Ms. Bass was responsible for researching
25 discrete legal issues, communicating with absent class members and synthesizing those
26 communications for the team.

27 27. Ruben Peña was an associate with the firm. Mr. Peña graduated from Santa
28 Clara University School of Law and earned his Bachelor of Arts in Psychology and Criminal

1 Justice. Mr. Peña has been practicing law since 2019. Prior to joining BHO, Mr. Peña was a
2 litigation associate at a San Francisco-based firm specializing in the areas of internet,
3 technology, and media law, including litigating class action matters. He now works as an
4 associate at another class action firm. Mr. Peña's work on this litigation included working with
5 subpoenaed third-party retailers to obtain Joint Juice sales data, and conducting discrete legal
6 research on issues in support of Plaintiffs' damages theories, res judicata and collateral
7 estoppel, the impact of available legal remedies on equitable relief in state court, the
8 opposition to Premier's motion for judgment on the pleadings, Plaintiffs' motion to stay trial,
9 and the impact Premier's admissions from the *Montera* trial in the subsequent trial in *Bland*
10 and *Sonner*.

11 28. Geoffrey Drew La Val is a former staff attorney at BHO. Mr. La Val earned his
12 B.A., cum laude, from the University of California, Berkeley, his J.D. from California Western
13 School of Law, and he was admitted to the State Bar of California in 2011. He was primarily
14 responsible for document review and analysis and assisting in deposition preparation. Mr. La
15 Val helped locate potential exhibits and otherwise prepare Mr. O'Reardon and co-counsel
16 Todd Carpenter for the 2014 depositions of Kevin Stone (6/13/14), Darcy Horn Davenport
17 (7/25/14), David Ritterbush (6/6/14), Katrina Taft (6/12/14), and Lance Palumbo (11/18/14,
18 11/19/14, and 12/9/14). Mr. La Val played an important role in formulating search terms for
19 the collection of ESI, coding and identifying relevant documents which were utilized
20 throughout the litigation. Mr. La Val also developed in-depth memorandum on specific topics
21 while working with Mr. O'Reardon, which included analysis of the foreign regulations relating
22 to glucosamine, timelines of relevant events and people with citations to specific documents
23 produced by Defendant, and summaries of scientific articles related to the ingredients in Joint
24 Juice.

25 29. Joseph J. Tull was a third-year law clerk at BHO. Mr. Tull is now an associate
26 at Robbins Geller Rudman & Dowd, where he litigates complex securities litigation. He
27 earned his B.A from Princeton University and J.D. from the University of San Diego where he
28 graduated cum laude. Mr. Tull was a paid, full-time summer law clerk at BHO in 2020. As

1 instructed and overseen by my partner, Ms. Hurst, Mr. Tull conducted relevant legal and
2 factual research and prepared related memoranda that was used for appellate issues in *Sonner*.

3 **B. Class Counsel's Reasonable Lodestar Incurred Since 2013**

4 30. The services rendered and work performed by my firm's attorneys and staff
5 covered every aspect of this extensive, hard-fought litigation. My firm took the lead at every
6 stage of the action from working up the case including analysis of hundreds of scientific
7 manuscripts, propounding and pursuing discovery, class certification, summary judgment,
8 motion for judgment on the pleadings, two motions for decertification, the motion for
9 judgment as a matter of law, the renewed motion for judgment as a matter of law, the motion
10 for a new trial, fact depositions, document review, third-party subpoenas, discovery motions,
11 expert declarations and reports, trial preparation in 2017, 2022, and 2024, the *Montera* jury
12 trial in June 2022, and the *Bland/Sonner* trial in August 2024. The motion practice in this
13 litigation was substantial and related to, *inter alia*, motions to compel discovery responses,
14 Plaintiffs' motions for class certification, cross-motions to exclude expert testimony submitted
15 by the parties in connection with class certification, summary judgment, pre-trial motions *in*
16 *limine* to exclude evidence, post-trial motions for entry of judgment, decertification, judgment
17 as a matter of law, and a new trial—all of which were fully briefed on appeal before the Ninth
18 Circuit, motions for issue preclusion in federal court and state court, and *Sargon* motions to
19 exclude expert testimony in advance of the *Bland/Sonner* trial. Even as to the sealing of
20 evidence and scheduling matters, these motions were heavily contested. This litigation also
21 involved substantial discovery. Plaintiffs' counsel conducted significant pre-suit investigation
22 and analysis of the scientific basis for Defendant's advertising claims; conducted and defended
23 48 depositions, including those of Defendant's corporate designee, current and former
24 marketing, science and regulatory employees, scientific experts, and third-party scientists;
25 reviewed over 500,000 pages of documents produced by Defendant; and issued 36 subpoenas
26 for documents and testimony from 17 third parties who produced thousands of pages of
27 documents. Plaintiffs' counsel also responded to extensive discovery served on Plaintiffs,
28 defended the depositions of twelve Plaintiffs and worked with eleven of their own expert

1 witnesses and additional consultants to prepare for class certification, summary judgment, and
2 trial, including preparing and exchanging 48 expert declarations and reports and conducting
3 and defending expert depositions. Plaintiffs' Counsel prepared and tried *Montera* for nine days
4 before a jury in the District Court. The litigation still did not settle—even after the Ninth
5 Circuit ruling affirming the *Montera* verdict—and so, in 2024, Plaintiffs' Counsel litigated the
6 *Bland* and *Sonner* actions to trial as well. In advance of the 2024 trial, Premier replaced all of
7 their experts used in *Montera*, designating seven new experts, six of whom we deposed.

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

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

23 33. The following information regarding my firm's time and out-of-pocket
24 expenses is taken from time and expense records prepared and maintained by the firm in the
25 ordinary course of business. The time records were prepared daily or shortly thereafter by each
26 attorney or paralegal working on the litigation. The expense records are prepared from
27 receipts, expense vouchers, check records and other documents, and are an accurate record of
28 the expenses. Throughout the litigation I reviewed and approved for payment all out-of-pocket

1 expenses. I also reviewed the printouts and the backup documentation where necessary. The
2 purpose of these reviews was to confirm the accuracy of the entries on the printouts as well as
3 the reasonableness of the time and expenses committed to the litigation.

4 34. The schedule below provides a summary of the hours expended by timekeepers
5 from my firm who performed work in this litigation. The schedule includes the name of each
6 person who worked on the case, hourly billing rates, the number of hours expended, the
7 resulting lodestar, and the bar passage year for each timekeeper.

8 35. The lodestar calculation is based on the firm's current billing rates, other than
9 those no longer employed by the firm, in which event their billing rate at the time they stopped
10 working at the firm is used. These rates have been determined to be reasonable by numerous
11 other courts in class action litigations, including by Judge Seeborg in 2023 and 2025 awarding
12 attorneys' fees for trial and appellate work in *Montera*, and even more recently by state and
13 federal courts in *In re Silvergate Capital Corporation*, Case No. 3:23-cv-01406-RBM-BLM
14 (S.D. Cal.) (Feb. 10, 2026, order granting motion for attorneys' fees) and *Costa v. Road*
15 *Runner Sports, Inc.*, Case No. 37-2020-0001700-CU-MC-CTL (San Diego County Superior
16 Court) (Nov. 14, 2025, order granting motion for attorneys' fees). A sample of other courts
17 that have approved BHO's standard billing rates and attorneys' fees as reasonable include:

18 • *Turley v. Vervent, Inc.*, No. 20-cv-697, 2025 U.S. Dist. LEXIS 34876, at
19 *7–8 (S.D. Cal. Feb. 26, 2025) (contested fee motion following trial verdict for Plaintiff and
20 the Class: finding BHO's rates "reasonable" and "in line with" prevailing market rates);

21 • *Harbour v. Cal. Health & Wellness Plan*, No. 5:21-cv-03322-EJD, 2024
22 U.S. Dist. LEXIS 7783, at *23–24 (N.D. Cal. Jan. 16, 2024) (approving BHO hourly rates and
23 stating they are "within the range of those approved in other similar cases");

24 • *Montera v. Premier Nutrition Corp.*, No. 16-cv-06980-RS, 2023 U.S.
25 Dist. LEXIS 137187, at *9 (N.D. Cal. Aug. 7, 2023) (contested fee motion following trial
26 verdict for Plaintiff and the Class: approving BHO's hourly rates as "consistent with those of
27 many similar firms in this District" and "[t]he hours of work submitted by [BHO] and the
28 structure of their practice appear reasonable");

1 • *Yamagata v. Reckitt Benckiser Llc*, No. 3:17-cv-03529-VC, 2021 U.S.
2 Dist. LEXIS 244276, at *12 (N.D. Cal. Oct. 28, 2021) (approving BHO rates as “reasonable,
3 and that the hours expended were reasonable”);

4 • *Warner v. Toyota Motor Sales, U.S.A., Inc.*, No. CV 15-2171 FMO
5 (FFMx), 2017 U.S. Dist. LEXIS 77576, at *42-43 (C.D. Cal. May 21, 2017) (approving BHO
6 rates as reasonable given “the prevailing rates in the community for lawyers of comparable
7 skill, experience, and reputation”);

8 • *In re Hydroxycut Mktg. & Sales Practices Litig.*, MDL No. 2087, 2014
9 U.S. Dist. LEXIS 162106, at *192 (S.D. Cal. Nov. 18, 2014) (approving hourly rates of Blood
10 Hurst & O’Reardon, LLP as “typical rates for attorneys of comparable experience”);

11 • *Hartless v. Clorox Company*, 273 F.R.D. 630, 644 (S.D. Cal. 2011)
12 (overruling objections to hourly rates, stating that BHO’s hourly rates “have been accepted in
13 other class action cases and are comparable to rates approved by other district courts in class
14 action litigation”);

15 • *In re Skechers Toning Shoe Prods. Liab. Litig.*, MDL No. 2308, 2013
16 U.S. Dist. LEXIS 67441, at *51-52 (W.D. Ky. May 13, 2013) (approving BHO’s hourly rates,
17 stating that “a lodestar cross-check demonstrates the reasonableness of the fees award”);

18 • *Dennis v. Kellogg Co.*, No. 09-cv-1786-L (WMC), 2013 U.S. Dist.
19 LEXIS 163118, at *22-23 (S.D. Cal. Nov. 14, 2013) (approving BHO’s hourly rates as
20 “fall[ing] within typical rates for attorneys of comparable experience”);

21 • *Johnson v. General Mills, Inc.*, No. SACV 10-00061-CJC(ANx), 2013,
22 U.S. Dist. LEXIS 90338, at *19-21 (C.D. Cal. June 17, 2013) (approving hourly rates and time
23 spent by BHO, stating “[t]he Court has considered class counsel’s rates and finds they are
24 reasonable because of the experience of the attorneys and prevailing market rates”) (citing
25 BHO firm resume);

26 • *Blessing v. Sirius XM Radio, Inc.*, No. 09 CV 10035 (HB), 2011 U.S.
27 Dist. LEXIS 94723, at *17 (S.D.N.Y. Aug. 24, 2011) (approving fee award as “reasonable
28 under both the lodestar and percentage method of calculation”);

1 • *In re Adobe Systems Inc. Privacy Litig.*, No. 5:13-cv-05226-LHK, Doc.
2 No. 107 (N.D. Cal. Aug. 13, 2015) (approving hourly rates and time spent by BHO, finding
3 “counsel’s hourly rates to be reasonable and in line with the prevailing rates in the community
4 for complex litigation”).

5 36. Further, based on my knowledge of the class action plaintiff’s bar nationwide,
6 the rates charged by my firm are in line with or lower than the rates charged by other firms that
7 handle class actions of similar size and complexity. *See Orthopaedic Hosp. v. Encore Med.,*
8 *L.P.*, No. 3:19-cv-00970-JLS-AHG, 2021 U.S. Dist. LEXIS 225014, at *40 (S.D. Cal. Nov.
9 19, 2021) (2020 and 2021 partner rates of \$925-\$1,260, associate rates of \$770-\$1,065); *Hefler*
10 *v. Wells Fargo & Co.*, No. 16-CV-05479-JST, 2018 U.S. Dist. LEXIS 213045, at *38 (N.D.
11 Cal. Dec. 17, 2018) (approving rates from \$650 to \$1,250 for partners or senior counsel, \$400
12 to \$650 for associates); *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods.*
13 *Liab. Litig.*, No. 2672 CRB (JSC), 2017 U.S. Dist. LEXIS 39115 (N.D. Cal. Mar. 17, 2017)
14 (\$275 to \$1,600 for partners, \$150 to \$790 for associates, and \$80 to \$490 for paralegals);
15 *Schneider v Chipotle Mexican Grill, Inc.*, 336 F.R.D. 588, 601 (N.D. Cal. Nov. 4, 2020) (\$830
16 to \$1,275 for partners and \$425 to \$695 for associates); *Carlotti v. Asus Comput. Int’l*, No. 18-
17 cv-03369-DMR, 2020 U.S. Dist. LEXIS 108917, at *15 (N.D. Cal. June 22, 2020) (\$950 and
18 \$1,025 for partners); *Dickey v. Advanced Micro Devices, Inc.*, No. 15-cv-04922-HSG, 2020
19 U.S. Dist. LEXIS 30440, at *22 (N.D. Cal. Feb. 21, 2020) (\$615-\$1,000 for partners and \$275-
20 \$575 for associates); *Gutierrez v. Wells Fargo Bank, N.A.*, No. C 07-5923, 2015 U.S. Dist.
21 LEXIS 67298, at *15 (N.D. Cal. May 21, 2015) (\$475-\$975 for partners, \$300-\$490 for
22 associates, \$150-\$430 for paralegals, and \$250-\$340 for litigation support); *In re Animation*
23 *Workers Antitrust Litig.*, No. 14-CV-4062-LHK, 2016 U.S. Dist. LEXIS 156720, at *20 (N.D.
24 Cal. Nov. 11, 2016) (up to \$1,200 for senior attorneys and \$290 for paralegals); *In re High-*
25 *Tech Empl. Antitrust Litig.*, No. 11-CV-02509-LHK, 2015 U.S. Dist. LEXIS 118052, at *33-
26 34 (N.D. Cal. Sept. 2, 2015) (\$490-\$975 for partners, \$310-\$800 for non-partner attorneys,
27 and \$190-\$430 for paralegals, law clerks, and litigation support staff); *In re Anthem, Inc. Data*
28 *Breach Litig.*, No. 15-MD-02617-LHK, 2018 U.S. Dist. LEXIS 140137, at *122-23 (N.D. Cal.

1 Aug. 17, 2018) (\$400-\$975 for partners, \$185-\$900 for non-partner attorneys, \$95-\$440 for
2 paralegals, law clerks, and litigation support staff, and \$270-\$345 for summer law clerks).

3 37. BHO's hourly rates also compare favorably to or lower than reported rates
4 charged by the law firms Defendant hired in this action, even when compared to dated
5 information about defense counsel rates. For example, in 2022, "courtesy discount rates" for
6 Venable of up to \$1,010 were approved as reasonable hourly rates. *See Ray v. CLH N.Y. Ave,*
7 *LLC*, No. 19-cv-2841-RCL, 2022 U.S. Dist. LEXIS 114586, at *14 (D.C. Cir. June 29, 2022);
8 *see also Aero Norfolk, LLC v. Philadelphia Truck Lines, Inc.*, Case No. 2:21-cv-00101-RCY-
9 RJY (E.D. Va.) at ECF No. 23-2 (the April 11, 2022, declaration of Venable litigation partner
10 Caroline Gately declares that Venable's standard rates "do not change depending on the locale
11 of the matter," that she is a 1989 graduate, her 2022 standard rate is \$1,000, and a 2020 law
12 school graduate's standard rate was \$440). In *Nat'l Abortion Fedn v. Ctr. for Med. Progress*,
13 Case No. 15-cv-03522-WHO (N.D. Cal.), Morrison & Foerster San Francisco partner Derek
14 Foran declared (ECF No. 756-2) that his standard billing rate was \$1,200 per hour in 2021,
15 that associate rates ranged from \$745 for 2018 graduates to \$925 for 2014 graduates, and
16 paralegals billed at \$295 to \$400 per hour. These hourly rates were approved as reasonable.
17 *Nat'l Abortion Fedn v. Ctr. for Med. Progress*, 2021 U.S. Dist. LEXIS 245090, at *16 (N.D.
18 Cal. Dec. 23, 2021). In *Planned Parenthood Fed'n of Am., Inc. v. Ctr. for Medical Progress*,
19 No. 3:16-cv-00236-WHO (N.D. Cal. Apr. 29, 2020) (ECF No. 1150 at 4), the court approved
20 hourly rates for attorneys at Arnold & Porter ranging from \$750 to \$1,150 per hour for
21 partners, \$910 to \$1,280 per hour for senior counsel, \$545 to \$910 per hour for associates, and
22 \$390 to \$405 per hour for paralegals. In *Lake Venture, LLC v. Miracle Mkt. LLC*, No. 22-400
23 (JWB/JFD), 2023 U.S. Dist. LEXIS 220235, at *5 (D. Minn. Sept. 18, 2023), the court
24 approved as reasonable the "5% discounted" hourly rates for partners at Faegre Drinker
25 ranging from \$775-\$1,065. *See also In re CPESAZ Liquidating, Inc.*, No. 9:20-bk-10554-DS
26 (C.D. Cal. Bankr. Aug. 2, 2021) at ECF Nos. 961, 961-1, and 1238 (wherein Faegre Drinker
27 filed an application for fees seeking hourly rates ranging from \$390 per hour for a paralegal,
28 \$470 to \$605 for associates, and \$690 to \$1,065 for partners), *award affirmed in relevant part*

1 on appeal, BAP No. cc-22-1090-FTL, 2022 Bankr. LEXIS 3679 (9th Cir. BAP Dec. 29,
2 2022).

3 38. Each of the BHO attorneys who have worked on this litigation has practiced for
4 the following number of years: Mr. Blood – 35 years; Ms. Hurst – 30 years; Mr. O'Reardon –
5 19 years; Ms. Brown – 18 years; Ms. MacPherson – 26 years; Mr. Straub – 18 years; Mr.
6 Davis – 11 years; Mr. Bucci – 6 years; Mr. Yarmolinetz – 14 years; Mr. Peña – 6 years years;
7 and Mr. La Val – 14 years. Based on the years and depth of experience of each of the attorneys
8 and staff, the hourly rates of \$215.00 to \$1000.00 are reasonable. These hourly rates do not
9 take into account any contingency enhancement.

10 39. The total number of hours spent on this litigation by professional staff at my
11 firm as of March 18, 2026, was 19,198.20 hours for a total lodestar of \$14,557,650.00. Even
12 after all the hours submitted in connection with the *Montera* fee proceedings are excluded,
13 **8,876.45** hours remain. Based on this reduced number of hours, the total lodestar for the
14 professional staff is **\$7,203,479.25**.

Attorney/Paralegal	Hours	Rate	Lodestar	Bar Admission
Timothy G. Blood (Partner)	1,145.95	\$1000	\$1,145,950.00	1990
Leslie E. Hurst (Partner)	1,904.25	\$960	\$1,828,080.00	1995
Thomas J. O'Reardon II (Partner)	2,673.45	\$840	\$2,245,698.00	2006
Paula R. Brown (Partner)	1,329.45	\$825	\$1,096,796.25	2007
Jennifer MacPherson (Senior Counsel)	283.50	\$800	\$226,800.00	1999
James M. Davis (Associate)	49.65	\$650	\$32,272.50	2014
Adam M. Bucci (Associate)	110.95	\$425	\$47,153.75	2019
Craig W. Straub (Former Associate)	539.25	\$575	\$304,893.75	2007

Attorney/Paralegal	Hours	Rate	Lodestar	Bar Admission
Ruben Peña (Former Associate)	199.25	\$410	\$84,681.25	2019
Aleksandr J. Yarmolinets (Former Associate)	2.25	\$565	\$1,271.25	2011
Camille Bass (Former Associate)	53.25	\$410	\$21,832.50	2014
Geoffrey D. La Val (Former Staff Attorney)	8.50	\$335	\$2,847.50	2011
Joseph J. Tull (Former Law Clerk)	22.50	\$215	\$4,837.50	2021
Dafne Maytorena (Paralegal)	432.75	\$280	\$121,170.00	n/a
Bethany Maxwell (Paralegal)	0.25	\$280	\$70.00	n/a
Michelle Chaseton (Paralegal)	121.25	\$280	\$33,950.00	n/a
TOTALS	8,876.45		\$7,203,479.25	

40. The hours and lodestar incurred by my firm will increase because, as Class Counsel, my firm is responsible for any further briefing in this case, attending the final approval hearing, and the post-hearing work, including claims administration and continuing to respond to calls and emails from Class Members about the Settlement. On an ongoing basis, my firm will continue to be in regular contact with Defendant's counsel and the Settlement Administrator regarding any Class Member inquiries, will continue to oversee the administration process, and will continue to regularly review and act on the reports provided by the Settlement Administrator.

41. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in my firm's billing rates.

1 **III. THE REQUESTED EXPENSES**

2 42. As detailed below, my firm seeks reimbursement of **\$782,417.94** in
3 unreimbursed litigation costs and expenses incurred over the course of this thirteen-year
4 litigation. These expenses are reflected in the books and records of my firm, including those
5 submitted herewith as **Exhibits 3–16**. Copies of all such records are available at the Court's
6 request. These books and records are prepared from expense vouchers, check records,
7 invoices, and other source materials and represent an accurate record of the expenses incurred.
8 All such expenses were incurred by my firm on a contingent basis and have not been
9 reimbursed. I have reviewed these records and invoices to confirm that the expenses were
10 reasonable in amount and necessary to this overall litigation.

11 43. The out-of-pocket litigation expenses incurred by BHO are reasonable in
12 amount and were necessary for the effective and efficient prosecution of the litigation. These
13 expenses are of the type normally charged to fee-paying clients in the private legal
14 marketplace and have been charged by my firm to such clients. They are also the types of
15 expenses routinely awarded to my firm and other plaintiffs' counsel in class action litigation.
16 Indeed, identical categories of expenses were approved and awarded by Judge Seeborg
17 following the jury trial and a fully contested motion for fees and expenses in *Montera*, which
18 order was affirmed by the Ninth Circuit on appeal by Premier. *See Montera v. Premier*
19 *Nutrition Corp.*, 2023 U.S. Dist. LEXIS 137187 (N.D. Cal. Aug. 7, 2023), *aff'd*, *Montera v.*
20 *Premier Nutrition Corp.*, No. 23-16162, 2025 U.S. App. LEXIS 1812 (9th Cir. Jan. 28, 2025).¹
21 These same categories of expenses have also been awarded to my firm in numerous other class
22 action lawsuits, including: *Yamagata v. Reckitt Benckiser LLC*, No. 3:17-cv-03529-VC (N.D.
23 Cal. 2021); *Warner v. Toyota Motor Sales, U.S.A., Inc.*, No. CV 15-2171 FMO (FFMx) (C.D.

24 _____
25 ¹ The categories and types of expenses for which we successfully sought reimbursement
26 in *Montera* are identical to those sought here: (1) photocopying / printing; (2) court fees /
27 filing fees; (3) service of process; (4) experts / consultants; (5) depositions / transcripts /
28 videographers; (6) courts reports' transcripts; (7) mediation fees; (8) electronic document
management; (9) postage / FedEx; (10) online research (LexisNexis, PACER, TransUnion);
(11) conference calls; (12) transportation, hotels & meals; (13) class notice and outreach; and
(14) miscellaneous (e.g., product exemplars and scientific study publications). *See Montera*,
Dkt. No. 328-1 (plaintiff's counsel's declaration regarding these categories of requested
expense reimbursement).

1 Cal. 2017); *Murr v. Capital One Bank (USA), N.A.*, No. 1:13-cv-01091-LMB-TCB (E.D. Va.
 2 2015); *In re: Hydroxycut Mktg. and Sales Prac. Litig.*, MDL No. 2086 (S.D. Cal. 2014);
 3 *Serochi v. Bosa*, No. 2009-00096686 (S.D. Super. Ct. 2014); *Hartless v. Clorox Co.*, No. 06-
 4 cv-02705 (S.D. Cal. 2011); *Johnson v. Gen. Mills, Inc.*, No. 10-cv-00061 (C.D. Cal. 2013);
 5 *Grabowski v. Skechers U.S.A., Inc.*, No. 12-cv-00204 (W.D. Ky. 2013); *Schwartz v. Reebok*
 6 *Int'l Ltd.*, No. 10-cv-12018 (D. Mass. 2012); *Nelson v. Mead Johnson & Co., LLC*, No. 09-cv-
 7 61625 (S.D. Fla. 2012); and *Gemelas v. The Dannon Co., Inc.*, No. 08-cv-00236 (N.D. Ohio
 8 2011). These expenses were incurred over more than a decade of hard-fought litigation
 9 involving extensive discovery, more than sixty depositions, expert discovery, multiple appeals,
 10 court-ordered class notice programs, and trial preparation and proceedings in both federal and
 11 state trial and appellate courts.

12 44. The **\$782,417.94** in costs and expenses sought through this motion is separate
 13 from and does not include any of the costs (totaling \$1,130,756.07) that were previously
 14 awarded by Judge Seeborg or the Clerk of Court in *Montera* following the jury trial and Ninth
 15 Circuit appeals. Those costs, which have not yet been paid by Premier, are being sought
 16 separately in connection with the proposed settlement in *Montera*. See *Montera*, Dkt. Nos.
 17 410, 410-1. The expenses sought in this application are itemized and described below.

Expense Category	Total
Photocopying / Printing	\$46,497.72
Filing Fees	\$14,907.10
Service of Process	\$1,371.86
Experts / Consultants	\$421,257.62
Depositions / Transcripts / Videographers	\$66,433.60
Court Reporters' Transcripts	\$31,177.17
Mediation Fees	\$7,650.00
Electronic Document Management	\$52,014.93
Postage / FedEx / UPS / Messenger Delivery	\$3,640.19
Online Research (LexisNexis, PACER, TransUnion)	\$12,173.15
Conference Calls	\$165.60
Transportation, Hotels & Meals	\$24,053.77

1	Class Notice of Pendency	\$86,792.89
2	Miscellaneous	\$7,840.08
3	TOTAL	\$782,417.94

4 45. The following is additional information regarding these expenses:

5 (a) Photocopying/Printing: The requested copy costs total \$46,497.72.

6 (i) *Outside Printing*: \$41,120.38 of this total was paid to a copying
7 vendor located in San Francisco (Digital One Discovery) to print, create and deliver binders
8 containing the stamped trial exhibits for the August 6, 2024, trial in this Action. There were 18
9 proposed joint trial exhibits and 561 plaintiffs proposed trial exhibits. Pursuant to the Court's
10 May 24, 2024 Trial Setting Order and our instructions, Digital One Discovery created an
11 electronic file of all stamped exhibits in word-searchable format to be provided to the Court,
12 along with four duplicate sets of exhibit binders, each accompanied by a Master List (one set
13 each for the witness/original, the Court Clerk, the Court, and Defendant), and two additional
14 sets for Plaintiffs' Counsel (courtroom set and war room set). These exhibit sets, which were
15 delivered in eleven bankers' boxes, contained over 50,400 pages of documents and were
16 organized within 66 D-Ring binders of varying widths containing the individually stamped
17 exhibits each slotted behind their 3,480 custom exhibit tabs. We attempted to minimize these
18 costs where possible, including creating shortened versions of the required tables of contents
19 for certain binder volumes and creating just two sets of the 190 exhibits that were being
20 marked for identification purposes only. Additional out-of-office copying costs totaled
21 \$815.94 for a vendor (Imagine Reporting) to print, bind and deliver appellate briefing and
22 excerpts of record for appeals in this litigation.

23 (ii) *In-House Copying*: The \$4,561.40 balance of these copying
24 costs was for making in-house copies of 22,807 pages of documents during 36 months from
25 January 1, 2023 to February 28, 2026. These copies were made in connection with providing
26 the courts with hard copies of filings and additional in-house copies for hearing preparation,
27 printing case law when necessary, analyzing certain documents produced in discovery, in
28 connection with expert discovery, including printing the scientific studies cited by experts, the

1 14 fact and expert depositions during this time period, and for *Bland* and *Sonner* trial
2 preparation. In fact, 55% of the 22,807 pages were printed in the four months leading up to
3 trial in August 2024. To help minimize copy expenses, we agreed with counsel for Defendant
4 to serve documents by electronic mail only and used electronic copies of exhibits at some
5 depositions. Each time our copy machine is used, our billing system requires that a case code
6 be entered. For each page copied or printed, my firm charges 35 cents, but here we only seek
7 reimbursement of 20 cents per copy. This is the rate charged to all clients, including non-
8 contingency clients. The rate is determined by calculating the approximate cost to my firm per
9 page, without any mark-up. The calculation includes the monthly copy / scanner machine
10 rental, the price-per-page charged by our vendor and paper and toner costs, which are not
11 included in the price-per-page cost. The average is approximate because it varies each month
12 depending upon the number of photocopies made for a particular month, but 20 cents is
13 significantly less than the approximate average over time. The per-page amount is higher than
14 an outside copy service because we print relatively few copies as part of an effort to use less
15 paper. While the per-page amount may be higher, the overall cost is lower than if we printed
16 more copies at a rate that would lower the per-page cost. Each time a copy is made either
17 directly at a copy machine or from a firm computer, our Sharp copy system requires that an
18 account code be entered. The Sharp copy system records the page counts and associated
19 account codes. As stated above, we only seek reimbursement of 20 cents per copy. At that
20 reduced rate, the total in-house copy cost through February 28, 2026, is \$4,561.40.

21 (iii) Additional documentation relating to these printing expenses are
22 attached to this declaration as **Exhibit 3**. Exhibit 3 reflects the expense record documentation
23 of our in-house copies made using the Joint Juice case account code and also includes the
24 invoices for the outside printing costs.

25 (b) Court / Filing Fees: \$14,907.10 was paid for court filing and docket fees
26 in connection with litigating these actions in state and federal court, including complaint,
27 motion, and appellate filing fees. This total includes \$5,107.60 to One Legal, one of the
28 Court's approved Electronic Filing Service Providers, for the mandatory e-filing of documents

1 in the *Bland* and *Sonner* actions, \$2,976.00 paid to Alameda County Superior Court for
2 required complaint and complex designation fees in *Bland* and *Sonner* (e.g., \$1,492.00 on
3 January 15, 2018 for the class action complaint in *Bland* (i.e., \$435 complaint filing fee; \$1000
4 complex designation fee; \$57 fax filing fee) and \$1,484.00 in *Sonner* on September 2, 2020),
5 \$492.50 to obtain copies of orders and filings in *Bland* and *Sonner* from the Court's online
6 eCourt Public Portal, and \$3,713.00 to file the nine Joint Juice class action complaints in
7 federal court between March 2013 and January 2017. The \$400 fee to file the *Montera*
8 complaint is not being sought in this Settlement. That fee amount was taxed in full by the
9 federal court Clerk and so it is sought in connection with the federal court settlement in
10 *Montera*. Additional documentation relating to these court and filing fees are attached to this
11 declaration as **Exhibit 4**. The corresponding filings and orders to which these requested costs
12 relate are also listed and available on the Court's online public docket for the *Bland* and
13 *Sonner* actions.

14 (c) Postage / FedEx / Messenger / UPS: \$3,640.19 total. These costs relate
15 to USPS postage and delivery services, including providing courtesy copies of filings as
16 required by the courts in this action and sending documents for witnesses to review before
17 depositions. For example, this includes \$1,133.57 paid to FedEx copies of filings to this Court,
18 \$118.32 to Judge Grillo, \$192.68 to Judge Desautels, \$317.64 to UPS for shipment of trial
19 supplies and documents following the trial which began in this action on August 6, 2024,
20 \$692.12 to DHL for shipment of deposition materials relating to the deposition of Premier
21 witness Lance Palumbo in Colorado, and \$275.00 paid to a vendor to transport the bankers'
22 boxes of Plaintiffs' trial exhibits from Department 23 to storage. Additional documentation
23 relating to these USPS and delivery service fees are attached to this declaration as **Exhibit 5**.

24 (d) Service of Process: These costs (\$1,371.86) relate to service of process
25 of subpoenas for documents and/or testimony on nine retailers of Joint Juice (Costco, Amazon,
26 Walmart, Sam's Club, Rite Aid, CVS, Albertsons, Walgreen, and Kroger), and for service of
27 the successfully compelled out-of-state deposition subpoena on former Premier employee /
28

1 PMK witness Lance Palumbo. Additional documentation relating to these service of process
2 fees are attached to this declaration as **Exhibit 6**.

3 (e) Depositions / Transcripts / Videographers: Plaintiffs request
4 reimbursement of \$66,433.60 in deposition costs from seventeen depositions. These costs
5 include court reporter and/or videographer fees in connection with seventeen depositions in
6 this litigation. Plaintiffs' counsel saved significantly on deposition and travel costs by
7 participated remotely in sixteen of these seventeen depositions. Eight of the deponents were
8 designated experts retained by Plaintiffs (Silbert, Graboff, Maronick, Weir, Guilak, Rucker,
9 Pittaoulis, McAlindon), seven were Defendant's designated experts (Lippiello, Lundquist,
10 Clemens, D'Adamo, O'Laughlin, Carpenter, Perlman), and two were Premier employees /
11 PMK witnesses (Nicholas Stiriz and Lance Palumbo). Additional documentation relating to
12 these deposition fees are attached to this declaration as **Exhibit 7**.

13 (f) Court Reporters' Transcripts: \$31,177.17 was spent for court reporter
14 attendance fees, cancellation fees, and to obtain transcripts from hearings and status
15 conferences in this litigation, including forty-nine (49) hearings scheduled for and/or
16 conducted on December 21, 2017 (federal court, motion to dismiss hearing), July 22, 2020,
17 January 6, 2021, January 26, 2021, April 27, 2021, May 7, 2021, May 19, 2021, June 29, 2021,
18 September 22, 2021, October 12, 2021, November 2, 2021, November 17, 2021, February 23,
19 2022, April 21, 2022 (federal court, motions to exclude evidence and witnesses), July 13,
20 2022, July 27, 2022, January 31, 2023, February 3, 2023, February 21, 2023, February 24,
21 2023, March 7, 2023, March 14, 2023, May 12, 2023, June 23, 2023, August 25, 2023,
22 September 6, 2023, September 13, 2023, September 29, 2023, October 13, 2023, October 26,
23 2023, November 29, 2023, December 1, 2023, December 11, 2023, December 12, 2023,
24 February 2, 2024, February 14, 2024 (Ninth Circuit oral argument), April 5, 2024, May 24,
25 2024, June 18, 2024, July 8, 2024, July 16, 2024, August 1, 2024, August 6, 2024 (Day 1 trial
26 transcript was \$1,063.20), September 3, 2024, January 30, 2025, April 10, 2025, May 1, 2025
27 (federal court, motion for issue preclusion), May 15, 2025, and June 17, 2025. Unless
28 otherwise noted, each of the above-mentioned hearings was conducted in state court before

1 Judge Smith (Department 21), Judge Grillo (Department 21) or Judge Markman (Department
2 23). Veritext and other court reporter service providers charge for hearing cancellations. To
3 minimize costs, my office contacted defense counsel and split the court reporter attendance
4 fees when possible. We also did not order the transcripts for each of these hearings—only
5 when we determined it was reasonably necessary. Additional documentation relating to these
6 court reporter fees is attached to this declaration as **Exhibit 8**.

7 (g) Mediation Fees: This cost (\$7,650.00) was paid by my firm relating to
8 the April 8, 2024, mediation with Scott S. Markus, Esq. at Signature Resolution. The parties
9 agreed to divide the \$15,300 total mediation fee 50% to Plaintiff's Counsel and 50% to
10 Premier. The invoice relating to this mediation cost is attached to this declaration as **Exhibit 9**.

11 (h) Experts / Consultants: \$421,257.62 total. This cost includes fees
12 charged by experts and consultants utilized in this litigation. Expert testimony and consulting
13 were necessary in this case because Plaintiffs' claims required specialized analysis of scientific
14 literature concerning glucosamine and joint health, consumer perception of product packaging
15 and labeling, advertising and marketing strategy, and economic damages arising from the
16 challenged marketing claims. Defendant retained its own experts in each of these areas—and
17 even replaced all of its experts after the *Montera* trial—making expert discovery and rebuttal
18 analysis necessary to effectively prosecute the case. This amount requested does not include
19 the \$613,343.90 in expert costs awarded (but not yet paid) in *Montera* and for which we seek
20 reimbursement in connection with the federal court settlement. I believe these expert and
21 consultant costs were reasonably incurred in furtherance of this litigation, and that the
22 assistance and testimony from each of the experts discussed below contributed to the
23 successful prosecution of Plaintiffs' claims. The hourly rates charged by Plaintiffs' experts and
24 consultants are consistent with prevailing market rates for science, marketing, and damages
25 experts in complex class action litigation and, in many instances, are lower than the rates
26 charged by Premier's experts. For example, Premier retained experts charging \$400 to \$1,225
27 per hour, including Dr. Silverman (\$850/hour), Dr. Grande (\$400/hour), Mr. Poret
28 (\$800/hour), Dr. Steckel (\$1,225/hour), Dr. Lundquist (\$980/hour), Ms. O'Laughlin

1 (\$795/hour), Mr. Carpenter (\$875/hour), Dr. Perlman (\$600/hour), and Dr. Choi (\$900/hour).
2 By comparison, Plaintiffs' experts charged rates such as Mr. Wallace (\$400/hour), Dr.
3 Maronick (\$550/hour), Dr. McAlindon (\$500/hour), Dr. Guilak (\$500/hour), Dr. Dennis
4 (\$450/hour), Dr. Rucker (\$1,000/hour), Mr. Pearl (\$985/hour), Dr. Pittaoulis and colleagues
5 from National Economic Research Associates (\$469.88 blended/hour), and Mr. Weir (\$850–
6 \$950/hour). Additional documentation relating to these expert and consultant fees are attached
7 to this declaration as **Exhibit 10**.

8 (i) Timothy McAlindon, MD, MPH: Plaintiffs seek reimbursement
9 of \$36,661.29 paid to Dr. McAlindon for expert testimony and consulting services. Plaintiffs
10 retained Dr. McAlindon to analyze the scientific issues central to this case, including the
11 ability of Joint Juice and its ingredients to support joint health and alleviate arthritis symptoms,
12 and to provide trial testimony. Dr. McAlindon is a physician rheumatologist at UMass
13 Memorial Medical Center and a Professor of Medicine at UMass Chan Medical School. His
14 medical, clinical, and academic work focuses on arthritis and rheumatic disease, including the
15 study of potential interventions for osteoarthritis and related symptoms. According to Google
16 Scholar rankings as of March 5, 2026, Dr. McAlindon is the thirteenth most cited osteoarthritis
17 researcher in the world. Dr. McAlindon is also one of the authors of major clinical guidelines
18 concerning osteoarthritis treatment and management. We were charged \$500 per hour for Dr.
19 McAlindon's expert services. Dr. McAlindon also worked directly on several of the scientific
20 studies and medical professional guidelines at issue in this litigation. He prepared a 115-page
21 opening expert report systematically analyzing nearly 200 scientific studies and a 42-page
22 rebuttal report responding to the opinions offered by Premier's scientific experts. Dr.
23 McAlindon continued updating his analysis of the relevant scientific literature throughout the
24 litigation, including in 2023 and 2024 during preparation for trial in *Bland* and *Sonner*. Dr.
25 McAlindon's work product and expert declarations were used in connection with fact and
26 expert depositions, in support of Plaintiffs' motions for class certification, in support of
27 Plaintiffs' motions to exclude expert testimony, in opposition to Defendant's motions for
28 summary judgment and decertification, and during the *Montera* trial, including portions of the

1 PowerPoint presentations shown to the jury during opening and closing arguments. Dr.
2 McAlindon was also designated as an expert in *Bland* and *Sonner*, testified at deposition on
3 September 22, 2023, and provided substantial assistance analyzing scientific studies and the
4 opinions offered by Premier's newly designated scientific experts in the lead-up to trial in
5 *Bland* and *Sonner* on August 6, 2024. He traveled to Oakland on August 4, 2024, assisted with
6 in-person trial preparation and strategy meetings, and was prepared to testify at trial. The
7 federal court in *Montera* awarded \$112,256.94 for Dr. McAlindon's expert work performed
8 between 2017 and 2022, including work performed in connection with the *Montera* trial. The
9 \$36,661.29 sought here reflects subsequent work performed by Dr. McAlindon after those
10 previously awarded costs.

11 (ii) Farshid Guilak, Ph.D.: Plaintiffs seek reimbursement of
12 \$17,300.00 paid to Dr. Guilak for his expert testimony and consulting services. Plaintiffs
13 retained Dr. Guilak to analyze scientific issues central to this case, including the physiology of
14 the joint, to discuss in vitro studies he conducted concerning glucosamine and chondroitin
15 supplements, to rebut the opinions of Defendant's scientific experts, and to provide trial
16 testimony. Dr. Guilak is a Professor in the Department of Orthopaedic Surgery at Washington
17 University and Director of Research for the Shriners Hospitals for Children – St. Louis. He
18 also serves as co-director of the Washington University Center of Regenerative Medicine and
19 holds appointments in the Departments of Developmental Biology and Biomedical
20 Engineering. According to Google Scholar rankings as of March 5, 2026, Dr. Guilak is among
21 the most highly cited researchers in the world—ranked 1st in regeneration, 7th in
22 osteoarthritis, 2nd in cartilage, 2nd in mechanobiology, and 6th in biomechanics. Plaintiffs
23 were charged \$500 per hour for Dr. Guilak's expert services. Dr. Guilak's scientific and
24 academic work focuses on osteoarthritis, tissue engineering, and biomechanics, including the
25 study of the etiology and pathogenesis of osteoarthritis as a basis for developing new therapies.
26 Dr. Guilak prepared opening and rebuttal expert reports, his work product was used in
27 connection with fact and expert depositions, trial testimony in *Montera*, and motions to strike
28 expert testimony, and he also assisted with trial strategy and the examination of Defendant's

1 witnesses. Dr. Guilak was designated as an expert in *Bland* and *Sonner*, testified at deposition
2 on September 5, 2023, and provided substantial assistance analyzing scientific studies and the
3 expert opinions offered by Premier's newly designated scientific experts in the lead-up to trial
4 in *Bland* and *Sonner*, where he was also prepared to testify. The federal court in *Montera*
5 awarded \$20,400.00 for Dr. Guilak's expert work performed leading up to the 2022 *Montera*
6 trial, and the \$17,300.00 sought here reflects subsequent work performed by Dr. Guilak after
7 those previously awarded costs.

8 (iii) Derek D. Rucker, Ph.D.: Plaintiffs seek reimbursement of
9 \$39,375.00 paid to Dr. Rucker for his expert testimony and consulting services. Plaintiffs
10 retained Dr. Rucker to analyze marketing and advertising issues central to this litigation and to
11 provide trial testimony. Dr. Rucker is the Sandy & Morton Goldman Professor of
12 Entrepreneurial Studies in Marketing at Northwestern University and a Professor of Marketing
13 at the Kellogg School of Management, where he teaches Advertising Strategy. His research
14 focuses broadly on social rank, compensatory consumption, persuasion, and consumer
15 behavior, including the factors that make advertising effective and the motives that drive
16 consumer purchasing decisions. Plaintiffs were charged \$900 per hour for Dr. Rucker's expert
17 services. Dr. Rucker is a highly published researcher, has served as a reviewer for more than
18 25 academic journals, and has held editorial roles including Associate Editor for the *Journal of*
19 *Consumer Research* and the *Journal of Consumer Psychology*, as well as co-editor of
20 *Consumer Psychology Review*. He received his Ph.D. in psychology from The Ohio State
21 University. Dr. Rucker prepared opening and rebuttal expert reports in this litigation, assisted
22 with trial preparation and deposition strategy, and testified at trial in *Montera*. He was
23 subsequently designated as an expert in *Bland* and *Sonner*, testified at deposition on
24 September 6, 2023, and provided substantial assistance analyzing the expert opinions offered
25 by Premier's newly designated marketing and consumer survey experts in the lead-up to trial
26 in *Bland* and *Sonner*, where he was also prepared to testify. The federal court in *Montera*
27 awarded \$98,700.75 for Dr. Rucker's expert work performed leading up to the 2022 *Montera*
28

1 trial, and the \$39,375.00 sought here reflects subsequent work performed by Dr. Rucker after
2 those previously awarded costs.

3 (iv) Colin B. Weir: Plaintiffs seek reimbursement of \$45,637.50 paid
4 to Mr. Weir for his expert testimony and consulting throughout this litigation. Mr. Weir holds
5 a Master of Business Administration, with honors, from the High Technology program at
6 Northeastern University and has qualified as an economic damages expert witness on
7 numerous occasions in both state and federal courts. He has consulted on a wide range of
8 consumer and wholesale products cases, calculating damages relating to food products,
9 household appliances, herbal remedies, health and beauty products, electronics, furniture, and
10 computers. Plaintiffs were charged \$850–\$950 per hour for Mr. Weir’s services in *Bland* and
11 *Sonner*. Mr. Weir provided expert analysis and reports concerning economic damages,
12 including analysis of Joint Juice retail sales data and damages calculations, and assisted with
13 rebutting and deposing Defendant’s damages experts. He also assisted with deposition and trial
14 strategy and testified at trial in *Montera*. Mr. Weir was subsequently designated as an expert in
15 *Bland* and *Sonner*, testified at deposition on September 1, 2023, was prepared to testify at trial,
16 and provided expert damages analysis in connection with mediation efforts throughout 2024
17 and 2025. The federal court in *Montera* awarded \$73,691.80 for Mr. Weir’s expert work
18 performed leading up to the 2022 *Montera* trial, and the \$45,637.50 sought here reflects
19 subsequent work performed by Mr. Weir after those previously awarded costs.

20 (v) Thomas J. Maronick, DBA, JD: Plaintiffs seek reimbursement of
21 \$37,675.00 paid to Dr. Maronick for his expert testimony and consulting in connection with
22 this litigation. Plaintiffs were charged \$550 per hour for Dr. Maronick’s services. Dr.
23 Maronick was a Professor of Marketing in the College of Business and Economics at Towson
24 University in Towson, Maryland, where he taught graduate courses in strategic marketing and
25 marketing research. From 1980 to 1997, Dr. Maronick served as Director of Impact Evaluation
26 in the Bureau of Consumer Protection at the Federal Trade Commission (FTC). In that role, he
27 served as the in-house marketing expert for all divisions of the Bureau, advising attorneys and
28 senior management on marketing issues in matters being investigated or litigated by FTC

1 attorneys. In this litigation, Dr. Maronick provided expert opinions regarding Joint Juice
2 consumer research and marketing and rebutted the opinions of Premier's consumer survey
3 expert, Hal Poret. His expert work was used throughout the litigation, including leading up to
4 the scheduled 2017 federal court trial in the *Sonner* action. Dr. Maronick provided deposition
5 testimony on July 6, 2017, and also assisted with preparation for questioning Premier's expert
6 Hal Poret, who testified during the *Montera* trial. Dr. Maronick also prepared detailed opening
7 and rebuttal expert reports, including synthesizing the marketing strategy for Joint Juice,
8 examining the consumer research possessed by Premier, and critiquing the consumer survey
9 and report prepared by its outside expert, Hal Poret.

10 (vi) Melissa Pittaoulis, Ph.D. / NERA: Plaintiffs seek reimbursement
11 of \$157,603.75 incurred for the expert testimony and consulting services provided by Dr.
12 Pittaoulis and her colleagues at National Economic Research Associates, Inc. ("NERA"). Dr.
13 Pittaoulis is a Director at NERA Economic Consulting and a member of the firm's Survey and
14 Sampling Practice. She specializes in survey research and statistical sampling and has worked
15 on survey and sampling projects at NERA since 2003. As part of her work, Dr. Pittaoulis
16 designs research, drafts questionnaires, supervises data collection, and analyzes survey data.
17 She holds a Ph.D. and M.A. in Sociology from Temple University. Plaintiffs were charged
18 \$620 per hour for Dr. Pittaoulis's consulting services and testimony and a blended rate of
19 \$469.88 per hour for the 428.75 hours of work performed by NERA personnel in this litigation
20 throughout 2023 and 2024. At the direction and design of Dr. Pittaoulis, NERA conducted a
21 large, 856-person consumer survey measuring consumers' impressions of the Joint Juice
22 packaging and labeling at issue for purposes of the *Bland* and *Sonner* litigation. The survey
23 was designed to measure both the message conveyed by the Joint Juice packaging and labeling
24 and whether those messages were material to consumers' purchasing decisions. These issues
25 were central to Plaintiffs' false advertising claims and would have been a primary focus of the
26 jury's evaluation at trial. Consumer surveys of this type are a standard method used in
27 consumer protection litigation to measure message communication and materiality. Dr.
28 Pittaoulis and her team designed and administered a survey instrument containing 42 open-

1 and closed-ended questions presented to respondents who reviewed one of two versions of the
2 Joint Juice packaging and labeling. The work required to design, test, administer, code, and
3 statistically analyze the survey, and to prepare expert summaries and deposition testimony
4 based on the results, required substantial effort by Dr. Pittaoulis and multiple NERA
5 professionals with expertise in survey methodology and statistical analysis. The survey queried
6 both users and non-users of Joint Juice, and Dr. Pittaoulis presented and analyzed the results
7 separately for each subgroup. Dr. Pittaoulis and her team also analyzed Joint Juice consumer
8 surveys conducted internally by Premier and those conducted in the litigation by the parties'
9 outside experts, Dr. Dennis and Mr. Poret. Dr. Pittaoulis was designated as an expert in *Bland*
10 and *Sonner*, testified at deposition on September 8, 2023, and provided substantial assistance
11 with trial preparation, deposition strategy, and analysis of the opinions offered by Premier's
12 newly designated marketing and consumer survey experts (O'Laughlin and Carpenter) in the
13 lead-up to trial in *Bland* and *Sonner*, where she was also prepared to testify. Her survey and
14 related analysis would have been central evidence at trial concerning the message conveyed by
15 the Joint Juice packaging and the materiality of those messages to consumer.

16 (vii) Richard Pearl: Plaintiffs seek reimbursement of \$23,787.75 paid
17 to Mr. Pearl for his expert services (\$985/hour). Richard M. Pearl is a Berkeley-based
18 attorneys'-fees specialist (Boalt Hall/Berkeley Law '69) whose practice is devoted almost
19 exclusively to fee litigation, expert consulting, and appeals involving court-awarded attorneys'
20 fees. He is the longtime author of *California Attorney Fee Awards* (CEB), repeatedly
21 described by California courts as the "leading" treatise on attorney-fee law, and he has
22 frequently served as a fee expert whose opinions have been relied upon by numerous state and
23 federal courts. Mr. Pearl was retained to provide expert opinions regarding the reasonableness
24 of Plaintiff's Counsel's requested attorneys' fees and to respond to the declaration submitted
25 by Premier's fee expert, Steven A. Tasher. Mr. Pearl prepared a comprehensive, 45-page, 95-
26 paragraph declaration in *Montera* on May 25, 2023. *See Montera*, Dkt. No. 334-8. Retaining a
27 fee expert was reasonably necessary because Premier chose to present its own expert attacking
28 Plaintiffs' fee request, and because the Joint Juice litigation presents unusual circumstances—

1 including overlapping federal and state proceedings, ten single-state classes, and years of
2 common discovery, expert work, and trial preparation that benefitted the litigation as a whole.
3 Mr. Pearl's work supported the recovery of attorneys' fees and expenses arising from that
4 common work and helped ensure that those amounts were awarded in *Montera* and affirmed
5 on appeal. Accordingly, his work helped secure recovery of fees and expenses that otherwise
6 could have been reduced or denied, thereby protecting the common benefit achieved for the
7 class and ensuring that the Class here is not subsidizing work that had already been judicially
8 approved and reimbursed in the federal action.

9 (viii) VideoTrack Litigation / Persuasive Presentations: Plaintiffs paid
10 \$44,629.83 for trial presentation services, consulting, and courtroom technology in connection
11 with trial in *Bland* and *Sonner*. This amount includes \$3,923.12 paid to San Francisco-based
12 Persuasive Presentations for the rental, delivery, setup, and breakdown of courtroom
13 technology equipment used during trial (including computer switches, monitors, cabling,
14 adapters, speaker systems, an Elmo document camera, and tech tables). It also includes
15 \$37,068.75 for VideoTrack's consulting services (238 hours at an average rate of \$156/hour),
16 \$1,614.97 reimbursing VideoTrack for trial exhibit printing and travel expenses, and
17 \$2,022.90 for trial printers used by VideoTrack in the courtroom, hotel, and war room.
18 VideoTrack personnel provided substantial trial support. Shayne Davison assisted with trial
19 preparation by converting deposition video files, synchronizing deposition transcripts,
20 organizing video deposition materials into a trial database, and creating video clips for use at
21 trial, including clips for testimony in lieu of live appearances pursuant to designations and for
22 cross-examination. Debbie Burk assisted with trial preparation, traveled to Oakland in August
23 2024 for trial, helped prepare exhibits, PowerPoint presentations, demonstratives, and video
24 clips, and attended trial in *Bland* as the trial technology specialist. Judge Seeborg and the Clerk
25 awarded all VideoTrack expenses incurred in connection with the *Montera* trial (\$49,140.07),
26 none of which is included in the \$44,629.83 sought here.

27 (i) Electronic Document Management: \$52,014.93 was paid to e-discovery
28 specialist Ankura Consulting / Bright Labs for electronic document hosting, storage and

1 management services relating to documents produced in this litigation. Defendant and various
2 subpoenaed third parties produced over 500,000 pages of discovery, including emails. In order
3 to review and manage these materials, it was necessary for my firm and co-counsel to host the
4 productions on secure, Internet-based document review platforms that allowed counsel to
5 search, review, organize, and code the documents. Ankura hosted the productions using the
6 Casepoint and Relativity platforms, which are standard electronic discovery tools used in
7 complex litigation involving large data productions. These costs include electronic document
8 hosting and management for 44 months (July 2022 to February 2026), billed at \$9-\$10 per
9 gigabyte per month. The Casepoint and Relativity online platforms also allowed us to
10 efficiently coordinate document review and coding and to access the documents in connection
11 with motion practice, depositions, expert discovery, and trial. The total amount sought
12 (\$52,014.93) includes an estimated \$2,000 charge associated with decommissioning the
13 Relativity database and providing Plaintiffs' Counsel with a load file of the hosted data.
14 Ankura has advised that the final invoice for those services may exceed that estimate;
15 however, Plaintiffs seek reimbursement only for the amount included in the total stated above.
16 Copies of Ankura's invoices reflecting the document hosting and management charges
17 incurred to date are attached as **Exhibit 11**.

18 (j) Online Research: Plaintiffs seek reimbursement of \$12,173.15. Of that
19 amount, \$9,769.68 was paid to LexisNexis for legal research conducted over 64 months
20 through February 28, 2026. LexisNexis was used to access legal authorities, factual databases,
21 and to perform cite-checking of briefs. The expense amount detailed herein represents the out-
22 of-pocket costs incurred by my firm in connection with use of these services in this litigation.
23 My firm has a flat-rate contract with LexisNexis for use of its services. When LexisNexis is
24 used, a billing code is entered for the specific case being researched. At the end of each billing
25 period in which the service is used, BHO's costs are allocated among cases based on the
26 percentage of use attributable to each matter during that period. As a result of the flat fee
27 negotiated with LexisNexis, we do not charge the higher "market rate" that can apply to a la
28 carte online legal research services, and we do not otherwise mark up LexisNexis charges, as

1 some firms do. The online research costs also include \$2,035.10 paid to the Administrative
2 Office of the United States Courts for PACER access to federal court filings and \$55.00 paid
3 to TransUnion for public records background research used in this litigation relating to
4 deponents. When my firm uses PACER, a client code associated with the case must be entered
5 for each search. Use of TransUnion requires entry of the case name. Documents accessed from
6 PACER included briefs, expert reports and declarations, orders, and exhibits that were
7 reviewed and used in connection with motion practice, expert discovery, and trial preparation.
8 These materials included, among other things, sample jury instructions, motions in limine, and
9 verdict forms, as well as expert reports and declarations filed in other lawsuits that were
10 reviewed to evaluate the consistency of opinions and methodologies and to identify potential
11 areas for cross-examination and impeachment. The federal court in *Montera* awarded
12 \$11,360.97 for online research costs (Lexis, PACER, and TransUnion) that benefitted the New
13 York Class in that case, and the \$12,173.15 sought here reflects separate online research costs
14 incurred for the benefit of the Class in this Settlement. Additional documentation and invoices
15 relating to these online research fees are attached to this declaration as **Exhibit 12**.

16 (k) Conference Calls: Conference call charges (\$165.60 through April 12,
17 2024) were incurred to host conference calls in this litigation. These charges are allocated to
18 each case by entering a case-specific code after accessing the conference call system; the case
19 code is required in order to host a conference call. At the end of each billing period, the
20 conference call charges associated with each case are entered into our billing system. The
21 forty-one (41) conference calls for which reimbursement is sought here relate to Joint Juice
22 litigation work benefitting the Class and were not included in the costs previously sought or
23 awarded in *Montera*. An itemized log relating to these conference calls is attached to this
24 declaration as **Exhibit 13**.

25 (l) Transportation, Hotels and Meals: Plaintiffs seek reimbursement of
26 \$24,053.77 in travel costs in connection with hearings, depositions, and the 2024 trial in this
27 litigation. None of these travel costs were sought or awarded in *Montera*. Attorneys at BHO
28 took the lead role in each hearing in this litigation, had first-chair responsibility for deposing

1 or defending most of the 64 depositions, and assisted in each deposition. When practicable and
2 reasonable, my firm minimized travel costs by taking depositions and participating in hearings
3 via videoconference. Four of the mediation sessions were also conducted via videoconference.
4 Airfare was booked in coach class. For the second, formal mediation, which took place in Los
5 Angeles, we drove up the morning of the mediation and returned later that day. During trial we
6 stayed in standard-size rooms at the Oakland Marriott City Center. The trial team also did not
7 need to rent office space during the time spent in Oakland, which avoided additional expense.
8 Approximately 40% of the travel-related expenses (\$9,092.22 of \$24,053.77) were incurred in
9 July and August 2024 in connection with trial in *Bland* and *Sonner*. These expenses included
10 hotel rooms for Timothy Blood, Thomas O'Reardon, Paula Brown, Timothy McAlindon, and
11 Debbie Burk (who provided litigation and trial support), as well as airfare, meals, and local
12 transportation for counsel, witnesses, and co-counsel. The remaining travel-related expenses
13 relate to the following out-of-town litigation events:

14 (i) August 2014 discovery hearing in San Francisco attended by T.
15 O'Reardon;

16 (ii) June 2017 deposition in Boston of Plaintiffs' science expert Dr.
17 Silbert defended by T. O'Reardon;

18 (iii) July 2017 deposition in Boston of Plaintiffs' science expert Dr.
19 Silbert defended by T. O'Reardon;

20 (iv) July 2017 depositions in Baltimore of Plaintiffs' marketing
21 expert Dr. Maronick defended by T. O'Reardon, and Defendant's science expert Dr. Lippiello
22 taken by T. O'Reardon;

23 (v) December 2017 motion to dismiss hearing in the federal court
24 *Sonner* action attended by T. Blood;

25 (vi) March 2017 case management conference in the federal court
26 *Sonner* action attended by T. Blood;

27 (vii) December 2019 Ninth Circuit oral argument in *Sonner I* attended
28 by L. Hurst;

1 (viii) December 2019 case management conference in *Bland* attended
2 by T. Blood and T. O'Reardon;

3 (ix) March 2020 case management conference in *Bland* attended by
4 T. Blood;

5 (x) April 2024 deposition in Colorado of Premier's former PMK
6 Lance Palumbo attended by T. O'Reardon and A. Bucci;

7 (xi) August 28, 2024, same-day trip to Oakland by T. O'Reardon to
8 organize *Bland* and *Sonner* materials from the trial war room to a local storage facility for
9 preservation and continued use in the ongoing litigation;

10 (xii) February 13, 2025, hearing in state court regarding Plaintiffs'
11 motion for issue preclusion attended by T. Blood and P. Brown;

12 (xiii) May 1, 2025, hearing in federal court regarding Plaintiffs'
13 motion for issue preclusion attended by T. Blood and L. Hurst; and

14 (xiv) December 4, 2025, preliminary approval hearing in federal court
15 attended by T. O'Reardon and T. Blood.

16 Invoices relating to these travel expenses are attached to this declaration as **Exhibit 14**.

17 (m) Class Notice of Pendency: \$86,792.89. These costs were incurred to
18 implement court-ordered notice programs following certification of the classes in the litigation
19 context in both the federal *Sonner* action and the state court *Bland* action. On February 2,
20 2017, the federal court in *Sonner* granted Plaintiff's motion for approval of class notice and
21 ordered notice of pendency be disseminated pursuant to Fed. R. Civ. P. 23(c)(2)(B). Plaintiffs
22 retained KCC LLC, an experienced class notice and claims administration firm, to implement
23 the Court-approved notice program and administer opt-out requests. Pursuant to the Court's
24 order (Dkt. No. 167 in *Sonner v. Premier Nutrition*, Case No. 3:13-cv-01271-RS (N.D. Cal.)),
25 notice was disseminated through publication methods and included the creation and
26 maintenance of a class notice website (www.JointJuiceCaliforniaLawsuit.com). KCC (now
27 known as Verita Global LLC) billed \$35,960.67 for these notice of pendency services. On
28 August 27, 2020, Judge Winifred Smith in the *Bland* action granted Plaintiff's motion for

1 approval of class notice and ordered notice of pendency pursuant to California Rules of Court,
 2 Rule 3.766. Plaintiffs retained JND Legal Administration (“JND”), another experienced class
 3 notice and claims administrator, to implement the Court-approved notice program and
 4 administer opt-out requests. Pursuant to the Court’s order, notice was disseminated through
 5 publication methods, including a 45-day digital media program, and through a class notice
 6 website (www.JointJuiceCALawsuit.com) created and maintained by JND. JND billed
 7 \$50,832.22 for these notice-of-pendency services. All of these costs were incurred in
 8 compliance with court orders requiring notice to the certified classes and were reasonably
 9 necessary to provide class members with the notice required under federal and California class
 10 action procedures. Copies of the invoices relating to these class notice expenses are attached to
 11 this declaration as **Exhibit 15**.²

12 (n) Miscellaneous: \$7,840.08. None of these miscellaneous expenses were
 13 sought or awarded in *Montera*. These expenses include \$883.08 incurred beginning in August
 14 2023 to obtain sixteen Joint Juice-related scientific publications from journals and their
 15 publishers (e.g., Elsevier, Inc.). These publications, copies of which were not available for free
 16 online, were used throughout the litigation, including in connection with expert discovery and
 17 as designated trial exhibits in *Bland* and *Sonner*. \$2,250.00 was paid to obtain subpoenaed
 18 Joint Juice sales records from Amazon, and \$114.40 was paid to obtain subpoenaed Joint Juice
 19 sales records from Walmart and Sam’s Club. \$82.51 was spent to purchase Oakland war room
 20 supplies for the August 2024 trial. \$1,282.23 was paid in May 2025 to Counsel Press, Inc. for
 21 the required binding, copying, and filing of Plaintiffs’ certiorari opposition in the United States
 22 Supreme Court. Plaintiffs’ Counsel have also incurred monthly storage fees for the large
 23 number of exhibit boxes and trial materials prepared for the August 2024 trial. After the Court
 24 postponed the trial, it was far more economical and efficient to maintain these extensive
 25 materials in storage in Oakland—including exhibits that cost \$41,120.38 to prepare—rather
 26 than incur the substantial cost of recreating them at a later date. The storage fee of
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28 ² As reflected on the class notice invoice from Verita (Ex. 15 hereto), the *Sonner v. Premier*
 action was originally captioned *Mullins v. Premier Nutrition Corporation*.

1 approximately \$150 per month totals \$3,227.86 through May 2026. The April and May 2026
 2 rental charges have not yet been invoiced, but will be incurred. Invoices relating to these
 3 miscellaneous expenses are attached to this declaration as **Exhibit 16**.

4 **IV. SUMMARY OF PLAINTIFFS' COUNSEL'S REQUESTED FEES AND**
 5 **EXPENSES**

6 46. *Collectively*, with this fee application, Plaintiffs' Counsel seek reimbursement
 7 of **\$782,417.94** in out-of-pocket, nontaxed expenses incurred in this litigation. As stated in
 8 their respective declarations, the firms have each expended the following amounts:

Firm	Expenses Requested
Blood Hurst & O'Reardon, LLP	\$775,975.68
Iredale & Yoo, APC	\$6,442.26
TOTAL	\$782,417.94

13
 14 47. Plaintiffs' Counsel primarily seek an award of attorneys' fees based on the
 15 percentage-of-the-fund method. For purposes of a lodestar cross-check, however, Plaintiffs'
 16 Counsel's combined requested fees in this action (\$23,377,138.46) and in *Montera*
 17 (\$8,713,326.00) reflect a multiplier of 2.0 based on Plaintiffs' Counsel's total lodestar since
 18 2013 in this overall litigation (i.e., 20,868.65 hours resulting in a collective lodestar of
 19 \$15,822,708.80). When excluding all 11,681.65 hours considered in the *Montera* fee
 20 proceedings, the 33% fee requested in this action represents a 3.1 multiplier.

21 48. Based on the information set forth in the concurrently filed declarations of
 22 additional Plaintiffs' Counsel (Eugene Iredale and Adam Pulver), and after excluding the
 23 11,681.65 hours considered with the *Montera* fee motions, Plaintiffs' Counsel collectively
 24 expended 9,187.00 hours litigating this action, resulting in a collective lodestar of
 25 \$7,488,894.15. The hours and lodestar reflected below therefore represent only a portion of the
 26 total time devoted to the successful prosecution of this litigation:

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Firm	Hours	Lodestar
Blood Hurst & O'Reardon, LLP	8,876.45	\$7,203,479.25
Iredale & Yoo, APC	219.25	\$230,212.50
Public Citizen Litigation Group	91.30	\$55,202.40
TOTAL	9,187.00	\$7,488,894.15

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on March 20, 2026, at San Diego, California.

By: s/ Timothy G. Blood
TIMOTHY G. BLOOD

1 **CERTIFICATE OF SERVICE**

2 **Patricia Bland; Edward White v. Premier Nutrition Company, LLC**
3 Alameda County Superior Court, Case No. RG19002714

4 **Kathleen Sonner v. Premier Nutrition Company, LLC**
5 Alameda County Superior Court, Case No. RG20072126

6 I hereby certify that on March 20, 2026, I electronically filed the foregoing with the
7 Clerk of the Court using One Legal Online Court Services, and electronically served the
8 foregoing upon the attorney(s) of record for each party in this case at the e-mail address(es)
9 registered for such service through One Legal Online Court Services, addressed as follows:

10 **Attorneys for Defendant Premier Nutrition Company, LLC**

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Parties may access this filing through the Court's website.

I certify under penalty of perjury that the foregoing is true and correct. Executed on
March 20, 2026.

s/ Janet Kohnenberger

Janet Kohnenberger
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