

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY BETH MONTERA,
Plaintiff,
v.
PREMIER NUTRITION CORPORATION,
Defendant.

Case No. [16-cv-06980-RS](#)

JUDGMENT

Following trial and a jury verdict on June 7, 2022, the Court hereby enters final judgment in this action against Defendant Premier Nutrition Corporation (now known as Premier Nutrition Company, LLC), and in favor of the Plaintiff and the Class defined as “all persons who purchased Joint Juice in the State of New York from December 6, 2013 to December 28, 2021.”

The calculation of statutory damages in the case, based on \$50 per violation of New York General Business Law (“GBL”) ¶ 349 and \$500 per violation of GBL ¶ 349, would amount to \$91,436,950. Such a recovery is “wholly disproportioned to the offense and obviously unreasonable.” *St. Louis, I.M. & S. Ry. Co. v. Williams*, 251 U.S. 63, 66-67 (1919). For the reasons explained in the order filed concurrently with this judgment, the award of statutory damages is reduced to \$8,312,450, which is equivalent to \$50 per unit sold of Joint Juice in New York during the Class Period. Plaintiff and the Class are further entitled to prejudgment interest in the amount of \$4,583,004.90. Judgment is hereby entered against Premier and in favor of Plaintiff and the Class in the amount of \$12,895,454.90.

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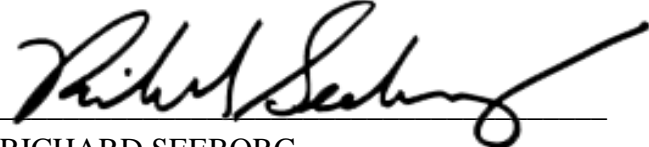
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Pursuant to 28 U.S.C. § 1961, from the date of entry of this Final Judgment and until this Final Judgment is satisfied in full, Plaintiff and the Class are also entitled to post-judgment interest at the rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of this Final Judgment.

Pursuant to Rule 23(h)(1) and 54(d) of the Federal Rules of Civil Procedure and Local Rule 54, any motion for attorneys’ fees, expenses, costs, and incentive awards shall be filed no later than 14 days after entry of this Final Judgment. Class members may object to the motion pursuant to Rule 23(h)(2) of the Federal Rules of Civil Procedure. Plaintiff shall file a motion for a proposed notice plan and claims administration plan within 28 days of the entry of Final Judgment.

IT IS SO ORDERED.

Dated: August 12, 2022



RICHARD SEEBORG
Chief United States District Judge