

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IF YOU PURCHASED JOINT JUICE® GLUCOSAMINE AND
CHONDROITIN SUPPLEMENT IN NEW YORK,
A CLASS ACTION MAY AFFECT YOUR RIGHTS.**

A California Federal Court authorized this Notice. This is not a solicitation from a lawyer.

- A customer sued Premier Nutrition Corporation n/k/a Premier Nutrition Company, LLC (“Premier Nutrition”), makers of Joint Juice glucosamine and chondroitin supplements, alleging it falsely advertises its Joint Juice supplements by claiming Joint Juice provides joint health benefits that it does not actually provide.
- The “Class” includes all consumers who purchased Joint Juice in New York from December 5, 2013 to December 28, 2021, inclusive of those dates.
- The Court has not decided whether Premier Nutrition did anything wrong, and Premier Nutrition believes all of its Joint Juice products provide the advertised joint health benefits. There is no money or other benefit available now, nor is there any guarantee that there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights for the possibility of receiving certain benefits.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from the lawsuit. But, you give up any rights to sue Premier Nutrition separately about the same legal claims in this lawsuit and will instead be bound by the result of this lawsuit.</p>
ASK TO BE EXCLUDED	<p>Get out of this lawsuit. Get no benefits from it. Keep rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you will not share in those monies or benefits. But, you keep any rights to sue Premier Nutrition separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this Notice. To ask to be excluded, you must act before **March 14, 2022**.
- Lawyers must prove the claims against Premier Nutrition at a trial set for May 23, 2022. If money or benefits become available from Premier Nutrition, you will be notified about how to seek it.

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BASIC INFORMATION

1. Why should I read this Notice?

If you purchased Joint Juice in New York between December 5, 2013 and December 28, 2021, you are part of the Class. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options you may exercise before the Court holds a trial. The Court has scheduled the trial to begin on May 23, 2022. The trial is to decide whether the allegations being made against Premier Nutrition, on your behalf, are correct. Trial will be held in the United States District Court for the Northern District of California. The lawsuit is known as *Fishon v. Premier Nutrition Corporation*, Case No. 3:16-cv-06980-RS.

2. What is this lawsuit about?

This lawsuit is about whether Premier Nutrition engaged in deceptive or unfair conduct in violation of New York consumer protection laws by advertising that its glucosamine and chondroitin supplement Joint Juice provides joint health benefits that it does not actually provide. Premier Nutrition denies these claims and asserts that its Joint Juice products provide the advertised joint health benefits.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The people who sue – and all the Class Members like them – are called the “Plaintiffs.” The company the Plaintiff sued (in this case Premier Nutrition) is called the “Defendant.” One court resolves the issues for everyone in the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the standards for class certification. Specifically, the Court found that:

- The Class is ascertainable;
- There are factual and legal questions that are common to each of the members of the Class;
- The Class Representative’s claims are typical of the claims of the rest of the Class;
- The Class Representative and the lawyers representing the Class will fairly and adequately represent the Class’ interests;
- The common legal questions and facts predominate over questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiff says that Premier Nutrition’s joint health advertising claim for Joint Juice is false and deceptive, and, for that reason, Premier Nutrition has violated New York’s consumer protection laws prohibiting deceptive acts or practices and false advertising. Plaintiff claims that because of the false advertising Premier Nutrition was able to charge for a product that did not provide the advertised health

benefits. You can read the Plaintiff's Class Action Complaint and the Order Granting Plaintiff's Motion for Class Certification at www.JointJuiceNYLawsuit.com.

6. How does Premier Nutrition answer the allegations?

Premier Nutrition responds that its joint health claims about Joint Juice are all true and supported by scientific evidence.

7. Has the Court decided who is right?

The Court has not decided whether the Plaintiff or Premier Nutrition is correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose this case. The Plaintiff must prove his claims at trial.

8. What is the Plaintiff asking for?

Plaintiff is asking that Premier Nutrition provide monetary compensation to each Class Member, that Premier Nutrition change its advertising to make it truthful, and that Premier Nutrition undertake a corrective advertising campaign. Plaintiff will also seek attorneys' fees and costs incurred in connection with the prosecution of this action.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Premier Nutrition did anything wrong or whether consumers are entitled to money or other benefits. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to seek money or other benefits from the lawsuit.

WHO IS IN THE CLASS?

You need to decide whether you are affected by this lawsuit.

10. Am I part of the Class?

All consumers who purchased Joint Juice for personal use in New York from December 5, 2013 to December 28, 2021, are Class Members.

11. Are any purchasers of Joint Juice not included in the Class?

If you did not purchase Joint Juice in New York within the listed time period, then you are **NOT** a Class Member. You are also not a Class Member if you purchased Joint Juice for the purpose of reselling it.

12. I am still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.bholaw.com or www.JointJuiceNYLawsuit.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in Question 22 below.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

Questions? Visit www.JointJuiceNYLawsuit.com or www.bholaw.com

13. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If you stay in and the Plaintiff wins, you will be notified about how to seek money or other benefits from the lawsuit. Keep in mind that if you do nothing now, regardless of whether the Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue, Premier Nutrition as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

14. Why would I ask to be excluded?

If you already have your own lawsuit against Premier Nutrition regarding Joint Juice and want to continue with it, you need to ask to be excluded from the Class. Or, you may not agree with the allegations raised by the Plaintiff and do not wish to be part of this lawsuit. If you exclude yourself from the Class – which also means to remove yourself from the Class and is sometimes called “opting-out” of the Class – you will not get any money or benefits from this lawsuit even if the Plaintiff obtains them as a result of the trial. However, you may then be able to sue or continue to sue Premier Nutrition regarding Joint Juice. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Premier Nutrition regarding Joint Juice after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Premier Nutrition regarding Joint Juice, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

15. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Fishon v. Premier Nutrition Corporation, Case No. 3:16-cv-06980-RS*. **Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by March 14, 2022, to: *Fishon v. Premier Nutrition Corporation, c/o JND Legal Administration, P.O. Box 91440, Seattle, WA 98111.***

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that Timothy G. Blood and Thomas J. O'Reardon II of the law firm of Blood Hurst & O'Reardon, LLP are qualified to represent all Class Members as Class Counsel. Timothy Blood, Thomas O'Reardon and Blood Hurst & O'Reardon, LLP are experienced in handling similar class action cases. More information about Blood Hurst & O'Reardon, LLP, Timothy Blood and Thomas O'Reardon is available at www.bholaw.com.

17. Should I get my own lawyer?

If you decide not to exclude yourself from the Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want to hire your own lawyer, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If Class Counsel gets money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Premier Nutrition.

THE TRIAL

19. How and when will the Court decide who is right?

Class Counsel will have to prove the Plaintiff's allegations at a trial. The date for trial is May 23, 2022. The date may change without further notice to the Class. You should check www.JointJuiceNYLawsuit.com or the Court's PACER site to confirm that the date has not been changed. Trial will go forward in the United States District Court, Northern District of California, in the Philip Burton Federal Building, 450 Golden Gate Ave., San Francisco, CA 94102, Courtroom 3 – 17th Floor. During the trial, a Jury and the Judge will hear all of the evidence to help them reach a decision about whether Plaintiff or Premier Nutrition is right about the allegations in the lawsuit. There is no guarantee that Plaintiff will win, or that he will get any money for all or some members of the Class.

20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff, and lawyers for Premier Nutrition will present on the company's behalf. You or your own lawyer is welcome to attend at your own expense.

21. Will I get money after the trial?

If Plaintiff obtains money or benefits as a result of the lawsuit, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

22. Are more details available?

Visit the website, www.JointJuiceNYLawsuit.com, where you will find the Court's Order on the Plaintiff's Motion for Class Certification, and the Complaint. You may also speak to someone about the case by calling **619-338-1100**, or by writing to: *Fishon v. Premier Nutrition Corporation*, c/o JND Legal Administration, P.O. Box 91440, Seattle, WA 98111.

The pleadings and other records in this litigation may be examined online through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102, between 9:00 a.m. and 1:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT CALL OR WRITE THE COURT FOR INFORMATION OR ADVICE.

DATED: December 14, 2021

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA