

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYNN SCOTT, LLC, et al., on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

GRUBHUB INC.

Defendant.

Case No. 1:20-cv-06334

Judge LaShonda A. Hunt

Magistrate Judge Gabriel A. Fuentes

**DECLARATION OF BRIAN PEARSON FOR PLAINTIFF LYNN SCOTT, LLC IN
SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF (1) ATTORNEYS' FEES, (2)
REIMBURSEMENT OF EXPENSES, AND (3) CLASS REPRESENTATIVE SERVICE
AWARDS**

I, Brian Pearson, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I own Lynn Scott, LLC, a North Carolina limited liability company with its principal office in Durham, North Carolina. Since 2019, through Lynn Scott, LLC, I have owned and operated Antonia's, a popular restaurant that serves Italian-inspired fare in the heart of downtown Hillsborough, North Carolina.

3. Lynn Scott, LLC is one of the named Plaintiffs in the above-captioned action. I submit this declaration in support of Plaintiffs' Motion for Award of (1) Attorneys' Fees, (2) Reimbursement of Expenses, and (3) Class Representative Service Awards.

4. On behalf of Lynn Scott, LLC, I joined this litigation to bring an end to Grubhub's practice of adding restaurants to its platform without permission and to hold Grubhub accountable.

5. I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my counsel by telephone, email, and texts concerning complaints, Grubhub's motions to dismiss, discovery, mediation, and settlement.

6. I have actively participated in this case since its inception. Since becoming involved in 2020, I have spent nearly 300 hours of my time assisting with the prosecution of the case – time that I could have spent operating my restaurant. I believe that my contributions and those of the other proposed Class Representatives in this case have helped achieve a good result for the Class.

7. When I became involved in the case, I fully committed myself to protect not only my interests, but also the interests of absent class members throughout the litigation, including settlement. I believe I fulfilled my obligations.

8. I have been involved in the following activities:

9. **Provided information for preparation of the pleadings:** In October 2020, I contacted Gibbs Mura LLP – then Gibbs Law Group LLP – about Grubhub listing my restaurant, Antonia’s, without my permission, and sought representation. I had several conversations with my counsel about my experiences with Grubhub and provided them with information to assist with the drafting and filing of the initial complaint in this action on October 26, 2020.

10. In addition to reviewing and approving the filing of the initial complaint, I also reviewed and approved of the filing of the First Amended Complaint on August 21, 2023, and the Consolidated Amended Complaint filed on September 24, 2024.

11. **Protected the interests of the class members by objecting to an unfair settlement in the District of Colorado:** While this action was pending, a related class action filed in the United States District Court, District of Colorado entitled *CO Craft, LLC dba Freshcraft v. Grubhub, Inc.*, No. 1:20-cv-01327-WJM-NYW (D. Colo.) was being litigated. I understand that the parties in that case reached a proposed settlement in April 2021 that I believed to be both unfair and inadequate because it provided no monetary compensation yet released the equitable claims in this case, including for disgorgement of profits, one of the remedies under the Lanham Act. In May 2021, I worked with my counsel to express my objections to the proposed settlement agreement and submitted a declaration in opposition to preliminary approval of the class settlement. The court did not approve the proposed settlement, and the parties then proposed a revised settlement. I similarly found the revised settlement agreement to be unfair and inadequate, and I worked with my counsel to write and submit another declaration in October 2022 objecting to the revised settlement and opposing preliminary approval of the revised class settlement. The court denied preliminary approval again and rejected the revised class settlement. I believe my efforts were

instrumental in preventing an unfair, unreasonable, and inadequate settlement on behalf of the class in that case.

12. **Participated extensively in discovery:** I have engaged in extensive discovery in this action. On January 17, 2024, Defendant served their First Set of Interrogatories, Requests for Production, and Requests for Admission. I spent a considerable amount of time away from operating my restaurant to respond to Defendant's discovery requests. I worked with my counsel and provided information in response to Defendant's First Set of Interrogatories and First Set of Requests for Admission; and reviewed my responses for accuracy. For Defendant's First Set of Requests for Production, I met with my counsel through Zoom and conducted search terms on my computer, phone, and email to locate electronically stored information relevant to the requests. I also searched for any hard copies of documents related to the requests. My responses to the First Set of Interrogatories and Requests for Production were served on April 15, 2024, and to the First Set of Requests for Admission on April 19, 2024, following my final review.

13. I also worked with my counsel to produce additional documents to Defendant on November 6, 2024, and to supplement my responses to Defendant's First Set of Requests for Admission, First Set of Interrogatories, and First Set of Requests for Production. I met with my counsel numerous times over the phone, and corresponded by email and texts, to provide further responses. I reviewed my supplemental responses to make sure they were accurate. On April 4, 2025, my counsel served Defendant with my further responses to Defendant's First Set of Requests for Admission, First Set of Interrogatories, and First Set of Requests for Production. I also produced another set of documents.

14. In July 2024, Defendant served Lynn Scott, LLC and me with a deposition notice. I worked with my counsel on my availability, discussed arrangements, and discussed my expectations. After this planning, the deposition was postponed to a later

date. In March 2025, Defendant only served Lynn Scott, LLC with a new deposition notice. I again worked with my counsel on my availability, discussed arrangements, and discussed my expectations and the types of topics I would be questioned about. Although Lynn Scott, LLC and I were ultimately never deposed, I spent a considerable amount of time away from my business searching my records and gathering information in preparation for it.

15. **Participated in mediation and settlement communications:** On February 5, 2025, I attended and participated in a full day of mediation where I listened to Magistrate Judge Gabriel A. Fuentes discuss our case. Prior to the mediation, I spoke with my counsel about the process, asked questions about my role, and took time to make myself available to attend in person. I traveled from North Carolina to Illinois to attend and participate in the mediation. Throughout the mediation, I listened to my counsel Ms. Rivas and Mr. Johnson engage in negotiations and discuss our case with Magistrate Fuentes. I spoke up during the mediation to address some of the magistrate's questions. I considered the settlement offers and demands that were made and gave my thoughts throughout the mediation process.

16. After the mediation, I had more discussions and meetings with my counsel to discuss the next steps leading up to the preliminary approval stage. I approved the proposed settlement that the parties reached in May 2025 with Grubhub because I believe it is fair, reasonable, and in the best interest of the Class. I continue to remain engaged in this case to ensure that my counsel has everything they need from me and to protect the interest of the Class.

17. **Faced risks by being a named plaintiff:** I faced considerable risk by being a named Plaintiff in this litigation. For example, on September 26, 2023, I was named as a party in a coverage dispute by Grubhub's insurance company, Starr Indemnity & Liability Company, in the action entitled *Starr Indemnity & Liability Company v. Grubhub*,

Inc., et al., No. 2023CH08398 (Circuit Court of Cook County, Illinois County Department, Chancery Division).

18. Additionally, I put my business at reputational and financial risk by attaching its name to this litigation and by taking time away from my responsibilities at my restaurant. Despite these risks, I chose to go forward because I was committed to the Class and cared about ending Grubhub's harmful practices.

19. I have evaluated the terms of the settlement. I have also discussed with my counsel the risks of continuing litigating the case. On behalf of the proposed class members, I have authorized my counsel to settle this matter on the terms set forth in the Class Action Settlement Agreement because I believe this settlement is fair, adequate and reasonable and is in the best interest of the Class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true to the best of my knowledge. Executed on 12 / 17 / 2025, at Hillsborough, North Carolina.

Brian Pearson

Brian Pearson
Owner of Lynn Scott, LLC