

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 COLE BERLIN FOR PLAINTIFF 132 DEGREES, LLC IN
SUPPORT OF PLAINTIFFS' MOTION FOR AWARD OF (1) ATTORNEYS' FEES, (2)
REIMBURSEMENT OF EXPENSES, AND (3) CLASS REPRESENTATIVE SERVICE
AWARDS**

I, Cole Berlin, 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 132 Degrees, LLC, a Virginia limited liability company with its principal place of business in Fredericksburg, Virginia. Since October 2015, through 132 Degrees, LLC, I have owned and operated Fahrenheit 132^o, a popular steak house in Fredericksburg, Virginia.

3. 132 Degrees, LLC is one of the named Plaintiffs in the above-captioned action and 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 132 Degrees, 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 August 2023. Since becoming involved in 2023, I have spent over 200 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 April 2023, I contacted Gibbs Mura LLP – then Gibbs Law Group LLP about Grubhub listing my restaurant, Fahrenheit 132°, 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 First Amended Complaint in this action on August 21, 2023.

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

11. **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.

12. I also worked with my counsel 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.

13. In July 2024, Defendant served 132 Degrees, 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 132 Degrees, 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 132 Degrees, 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.

14. **Participated in mediation and settlement communications:** On February 5, 2025, I remotely attended and participated in mediation by Zoom where I listened to Magistrate Judge Gabriel A. Fuentes discuss our case. I also made myself available by phone. 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. Throughout the mediation, I listened to my counsel Ms. Rivas and Mr. Johnson engage in negotiations and discuss our case with Magistrate Fuentes. I considered the settlement offers and demands that were made and gave my thoughts throughout the mediation process.

15. 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.

16. **Faced risks by being a named plaintiff:** I faced considerable risk by being a named Plaintiff in this litigation. For example, 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.

17. 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 / 16 / 2025, at Fredericksburg, Virginia.

Cole Berlin

Cole Berlin
Owner of 132 Degrees, LLC