

EXHIBIT 58

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONALD CONRAD, on Behalf of)	
Himself and All Others Similarly)	
Situated,)	Civil Action No. 18-cv-133 NJR
)	
Plaintiff,)	
)	
v.)	
)	
JIMMY JOHN'S FRANCHISE, LLC;)	
JIMMY JOHN'S ENTERPRISES, LLC;)	
JIMMY JOHN'S LLC; et al.,)	
)	
Defendants.)	

DECLARATION OF SAM BRADBURY

I, Sam Bradbury, hereby declare, depose and state, based upon my personal knowledge, recollection and belief, as follows:

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

2. I live in Lake Mary, Florida. I am the owner and primary officer of Morbury LLC (“Morbury”). Morbury is a Florida corporation that has been operating Jimmy John’s-branded stores since March 2010. It currently owns and operates two Jimmy John’s stores in Florida: one in Longwood, which opened in March 2010, and another in Lake Mary, which opened in August 2011.

3. I also previously was an officer and part owner of three other entities that franchised with Jimmy John’s: Morbury WP, LLC; Morbury OBT, LLC; and Morbury SF, LLC (together with Morbury, the “Morbury entities”). I owned these entities with my former business partner, Tom Morrow. Before January 2019, the Morbury entities owned and operated a total of six Jimmy John’s-branded stores in Florida, including stores in Orange City, Winter Park, Orlando, and Sanford, in addition to the Lake Mary and Longwood stores. In July 2019, I purchased Tom’s membership interest and have since closed all of the entities other than Morbury itself. In 2019, I also closed or sold four of the stores. Morbury now only owns and operates the Longwood and Lake Mary stores (the “Morbury stores”).

4. The Morbury stores currently have between 30 and 35 total employees between them. They employ eight managers, including one General Manager at each store. Each store has General Managers, Assistant Managers, and Persons in Charge. Morbury also has a “Manager in Training” position for employees we are transitioning from Assistant Manager to General Manager.

5. Before January 2019—when the stores in Orange City, Winter Park, Orlando, and Sanford closed—the Morbury entities employed around 90 people. Each of the six stores employed three or four managers. And before January 2019, the Morbury entities had nine or ten Certified Managers, including Tom and me. Beginning in 2017, the Morbury entities promoted an employee to an Area Manager position to support operations at all of the stores.

Brand Standards, Competition, and Interactions with Jimmy John’s Corporate and other Franchisees

6. Under its franchise agreements with Jimmy John’s, Morbury maintains certain standards of quality and service in its Jimmy John’s-branded restaurants. These “brand standards” include specifications for menu items, ingredients, food preparation, cleanliness, store appearance, speed of in-store service, and other factors affecting the Jimmy John’s brand.

7. Jimmy John’s Franchise, LLC provides consultants, known as Business Coaches, who give Morbury tips and guidance on how to meet Jimmy John’s brand standards. The Business Coaches also conduct periodic audits of Morbury stores and provide detailed feedback on how we are meeting brand standards on measures such as food preparation, store cleanliness, and customer service. The Jimmy John’s Operations Manual also provides Morbury stores with guidance on how to meet brand standards.

8. In competing for sales, Morbury stores primarily compete with other fast casual restaurants and third-party delivery apps such as Grubhub and UberEats. The growth in popularity of third-party delivery apps has greatly increased competition for delivery sales. We used to compete for deliveries only with other restaurants that offered their own delivery services, such as Chinese and pizza restaurants. Now, we compete with any other restaurant that offers delivery through third-party apps.

9. It is difficult to precisely measure the geographic area within which Morbury stores compete. However, my best estimate is that Morbury stores compete within an area that is at least a few square miles.

10. I sometimes have contact with other Jimmy John's franchisees in the Orlando area. For example, a franchisee in Apopka has asked for my advice when he faced certain difficulties with recruiting employees, such as when no one showed up for scheduled employee interviews. I am also in contact with the franchisee who purchased the Morbury store in Winter Park about every other week. The new franchisee has at times asked to borrow cheese or bread, and I am happy to help out. I have also lent product to another franchisee in Deland. And on one occasion, we borrowed product from the Deland franchisee after we received an order for 500 sandwiches with only a few hours' notice.

11. I am a member of a Facebook group for Jimmy John's franchisees, and I visit the group's webpage almost daily. Franchisees in the group post about a variety of topics, such as how to replace a computer hard drive or about franchise stores or equipment for sale. Before the Facebook group was created, I sometimes visited the "Owner's Forum" website for franchisees. I used the site as a resource to find vendors for equipment repair and to download paperwork such as daily punch lists.

Employee Recruitment

12. Morbury is responsible for all decisions regarding recruitment and hiring of employees at the Jimmy John's stores it operates. It makes these decisions independently of the Jimmy John's corporate entities and independently of any other franchisee.

13. To recruit employees, I post job openings on Indeed. The job postings usually specify whether we are looking for in-shoppers or drivers, and they provide a brief job description

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