

EXHIBIT 61

**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 CHARLES D'AMICO

I, Charles D'Amico, 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 Amarillo, Texas. I am the sole owner of Blue Rock Holdings, LLC ("Blue Rock"). Blue Rock has been a Jimmy John's franchisee since August 2016. Before starting Blue Rock, I worked for eight years as the General Manager and Director of Operations for another Jimmy John's franchisee in Michigan and Ohio.

3. Blue Rock was originally incorporated in the State of Michigan and is now incorporated in the State of Texas. It currently owns and operates seven Jimmy John's-branded restaurants. Three are in Amarillo, Texas, two are in Lubbock, Texas, and two are in Santa Fe, New Mexico.

4. The seven restaurants owned by Blue Rock have between 125 and 175 total employees. Between 21 and 24 Blue Rock employees are managers, including 15 or 16 Certified Managers. Blue Rock also employs one Area Manager and one Area Marketing Director.

Brand Standards

5. Under its franchise agreements, Blue Rock 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 service, and other factors affecting the Jimmy John's brand.

6. Blue Rock's stores compete for sales with other sandwich shops, such as Jersey Mike's and Schlotzsky's, and with other national and regional fast food brands. I consider another restaurant a competitor if it operates within about a three-mile radius of one of Blue Rock's stores.

7. Blue Rock's stores do not compete with any other Jimmy John's-branded stores. Blue Rock is the sole operator of Jimmy John's-branded restaurants in the areas where it has restaurants. When I was in Detroit, there was friendly competition among Jimmy John's operators in terms of which stores had the highest performance, but we all thought of ourselves as being on the same team.

8. In my experience, Jimmy John's brand standards help Blue Rock's stores be more competitive. Jimmy John's high standards protect the brand. When customers come into a Jimmy John's restaurant, they know they are going to get the same high-quality product and same high level of service no matter where they are.

9. I am in frequent contact with other franchisees, usually about how to best run their stores on a day-to-day basis. Jimmy John's corporate can teach franchisees about brand standards, but there is a lot more that goes into running a store, especially when it comes to managing people. I am constantly developing talent, and it's one of the things I love about the job. So I help coach other franchisees about how to motivate and manage their employees. On one occasion, another franchisee sent a manager to work in my stores for a few days for training purposes. Some franchisees have asked me about manager compensation, but their questions were about how to structure manager pay generally (i.e., salary vs. hourly) rather than about actual pay rates.

10. I do not belong to any franchisee association. Sometimes, I visit the Facebook page for Jimmy John's franchise owners. I have never seen other franchisees sharing employee wage information on the Facebook page. The wage-related postings I have seen were posts from franchisees seeking advice about whether to change menu prices after the minimum wage increased. On one occasion, I saw a post from a new franchisee asking about starting pay for store managers, but I did not see franchisees providing the requested information. Instead, I saw that

other franchisees advised the new franchisee to look at local job postings, such as for Jersey Mike's manager positions, to decide what to pay his managers.

Recruitment of Employees

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

12. When it comes to hiring employees, Blue Rock competes with any other employer in the local geographic area hiring minimum wage employees. For drivers, Blue Rock also competes with any other employers in the local area offering delivery jobs, including third-party platforms such as Uber and Grubhub.

13. Blue Rock hires in-shoppers and drivers, but not managers, from any other employer in the local area. With managers, I prefer to promote from within, because I find that managers who were trained from the ground up are the best performers. I also like to create a culture where people are always training and developing new skills. Every single one of the managers at Blue Rock's stores was internally promoted.

14. To recruit employees, I usually place an ad on Indeed or on Craigslist, and I also rely on word of mouth. In online job postings, I keep the ads short and to the point, and just list the hours, the store location(s), and the wages. If we are looking for someone to fill a part-time position, the ad might be very targeted and specific, such as: "Are you a stay at home parent? Want to work 8 hours per week and earn some extra money?" I don't usually require any kind of availability in my ads. I am very flexible when it comes to employee schedules, because that helps with employee retention.

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