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Attorneys for Plaintiffs

IN THE THIRD JUDICIAL DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

TRAVIS and AIMEE KNORR, husband
and wife,

Plaintiffs,

v.

DWIGHT & LINFORD ENTERPRISES,
LLC, d/b/a JIMMY JOHN'S, a Utah
corporation,

Defendant.

**DECLARATION OF BENJAMIN
CHAPMAN, PhD**

(Tier 3)

Case No. 200902468

Judge: L. Douglas Hogan

I, Benjamin Chapman, declare under penalty of perjury of the laws of the state of Utah, that the following information provided hereto is true and correct to the best of my knowledge:

1. I am a professor and food safety extension specialist at NC State University focusing on microbial food safety in retail/food service settings, as well as consumer food safety decisions and practices.

2. Over my 20 years as a food safety professional, I have gained training and expertise in microbiology, fresh produce, plant agriculture production settings, and risk management. For the past 12 years in my role as a food safety extension specialist, a significant portion of my time has been spent proactively and reactively supporting both public health officials and the retail/food service food industry to evaluate the safety of foods based on science, determine risk reduction and best practices, create and deliver training programs, and troubleshoot food safety issues.

3. I respond to an average of 250 inquiries annually in the retail/foodservice sector from large multinational companies to small independent restaurants. I pride myself on being available and timely with my responses to their questions and fostering their abilities to evaluate risks and to effectively communicate food safety risk-reduction information.

4. I am a recognized leader in the area of food safety culture, a holistic, value-driven, approach to design, implementation, and evaluation of novel food safety risk analysis-based interventions. Providing leadership to the food industry through the COVID-19 pandemic recently led to an award of \$1 million to fill data gaps related to control and management of SARS-CoV-2, and to provide outreach to a variety of sectors.

5. Internationally recognized for my expertise in the area of food safety, the materials and approaches that I have developed and implemented have resulted in invitations to participate in activities across the country as well as outside of the U.S. (including Russia, Guatemala, Japan, UK, Brazil, UAE and Canada). These opportunities have allowed me to build a reputation for my program as an internationally recognized unit that specializes in assessing and fostering a good food safety culture and communicating to the public during a food-related crisis.

6. I have been tracking the food safety issues of sprouted seeds for the majority of my career. For the past 13 years I have kept a running list of U.S. and international outbreaks and shared this information with other food safety professionals through barfblog.com.

7. I have extensive experience in working all along the supply chain. I have visited sprouting facilities, seen seed disinfection processes, conducted research in distribution centers, and helped develop and evaluate systems for supplier verification.

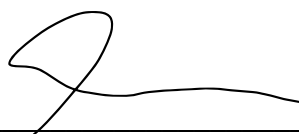
8. I have worked alongside many food safety professionals in the food service sector to put steps in place to reduce risk, and many have decided that the risk of handling, serving and selling sprouted seeds outweighs the benefits.

9. My extension and outreach work, which I have branded under the umbrella of the Safe Plates program at NC State University, emphasizes the behavioral changes related to risks associated with food—from preparation to consumption.

10. As part of the Safe Plates program, my team and I have created evidence-based curricula for consumers, and a certification program, the Safe Plates Certified Food Protection Manager Program, for restaurant managers, through which an average of 1200 participants are trained annually. The creation of this proprietary program for NC State Extension, and interest in the certificate program, resulted in the adaptation of the material for High School Career and Technical Education classes, which exposes the program material to an estimated 30,000 students annually.

11. Attached to this declaration as Exhibit 1 is my expert report on sprouted seed food safety.

Dated this 6 day of April, 2021



Benjamin Chapman, PhD