

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**TRAFFIC JAM EVENTS, LLC, a limited
liability company**

and

**DAVID J. JEANSONNE II, individually and as
an officer of TRAFFIC JAM EVENTS, LLC.**

DOCKET NO. 9395

**RESPONDENTS' MEMORANDUM IN OPPOSITION TO COMPLAINT COUNSEL'S
MOTION TO DETERMINE THE SUFFICIENCY OF RESPONDENT'S RESPONSES
TO REQUESTS FOR ADMISSION**

Respondents Traffic Jam Events, LLC and David Jeansonne (collectively "Respondents"), through undersigned counsel, offer this Memorandum In Opposition to the Motion to Determine the Sufficiency of Respondent's Responses to Requests for Admission ("Motion").

The Motion should be denied. First, the Motion combines two sets of discovery responses, the latter of which Complaint Counsel never conducted a meet and confer as required by the Rules, and never alerted Respondents to any alleged deficiencies. On that basis alone the Motion should be denied. With respect to the first set of responses, the Motion should be denied as it contravenes the agreements reached at the meet and confer, and no subsequent issues were raised nor was a meet and confer scheduled. Finally, the Motion should be denied as to Section I because it is simply improper for Complaint Counsel to direct factual admissions to Respondents concerning the activities of a third party that is not charged herein and for whose activities play no role in any issue raised in the Complaint.

Respondents filed and submitted their Responses to First Set of Requests for Admissions

(numbering 1 through 32) on June 21, 2021. (**Exhibit 1**). On June 28, 2021, Complaint Counsel sent a letter requesting a meet and confer on deficient responses. (**Exhibit 2**). That meet and confer was held on July 5 (**Exhibit 3**) and, after a lengthy discovery conference about the sufficiency of these answers, Respondents agreed to amend certain responses, to which Complaint Counsel *agreed*. The only responses that Respondents did not agree to amend were those requests (Nos. 1-4) relating to Platinum Plus, for which Respondents asserted timely objections. Respondents then filed Amended Responses to First Set of Requests for Admission on July 8, the agreed response date. Respondents received no further notice that any of the amended responses were deficient, nor was a meet and confer ever scheduled.

Respondents received a second set of Requests for Admission (numbering 33 through 61) on June 25, 2021. (**Exhibit 4**). These requests were timely responded to on July 6, 2021. (Complaint Counsel Exhibit B). At 4:13 pm on July 16 – the last day of discovery – Complaint Counsel sent a notice of alleged deficiency of responses. (**Exhibit 5**). No meet and confer was ever conducted, and given that discovery was closing that day, the last minute “deficiency” of responses that had been served timely on July 6 is instructive.

The Scheduling Order contains the following provision, which was incorporated by the First Amended Scheduling Order:

4. Each motion (other than a motion to dismiss, motion for summary decision, or a motion for *in camera* treatment) shall be accompanied by a separate signed statement representing that counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement. In addition, pursuant to Rule 3.22(g), for each motion to quash filed pursuant to § 3.34(c), each motion to compel or determine sufficiency pursuant to § 3.38(a), or each motion for sanctions pursuant to § 3.38(b), the required signed statement must also “recite the date, time, and place of each . . . conference between counsel, and the names of all parties participating in each such conference.” Motions that fail to include such separate statement may be denied on that ground.

As noted therein, the required statement must also ‘recite the date, time and place of each ...

conference between counsel, and the names of all parties participating in each such conference.” Merely writing a letter outlining alleged deficiencies – without setting a conference to discuss – is not sufficient. The Scheduling Order requires a conference.

No meet and confer was ever scheduled by Complaint Counsel regarding the Second Set of Requests for Admission. No meet and confer was conducted following the filing of Respondents’ Amended Responses to Requests for Admission. As respects the Second Set (Complaint Counsel Exhibit B) and the Amended Responses (Complaint Counsel Exhibit A), the motion should be denied on that basis alone.

LAW AND ARGUMENT

I. No Meet and Confer – Second Set

With respect to the Responses to Second Set of Requests (Nos. 33-61), Complaint Counsel has not met either the letter or the spirit of the Scheduling Order’s meet and confer requirement. The Scheduling Order requires an actual conference between counsel to discuss, *inter alia*, discovery disputes, similar to the federal rules on discovery. The reason a meet and confer was not scheduled on these discovery responses is simple – Complaint Counsel sent out a notice right at the close of discovery in recognition that a meet and confer was no longer an option, as discovery had closed. The failure to include in the motion a statement setting forth the “date, time and place of each ... conference between counsel, and the names of all parties participating in each such conference” renders the Motion deficient.¹ On that basis, the Motion should be denied as it pertains to Respondents’ Responses to Second Set of Request for Admissions.

With respect to the merits of the responses, Respondent have complied with Rule 3.38, and

¹ The Separate Meet and Confer Statement does not identify the date, time and place of any meeting.

the fact that Complaint Counsel does not like the response is not sufficient grounds to deem the responses admitted.² The responses and objections are valid, as explained below:

- Request 39: The denial is responsive because as a matter of law, automotive dealerships are not subject to the disclosure requirements cited by Complaint Counsel in the Complaint. The Truth in Lending Act only provides the FTC with limited jurisdiction in the area of credit, *see* 15 U.S.C. § 57a(a)(2). Among other requirements, the Act requires *creditors* who deal with consumers to make certain written disclosures concerning finance charges and related aspects of credit transactions (including disclosing an annual percentage rate) and comply with other mandates, and requires advertisements to include certain disclosures. A creditor “refers only to a person who both (1) regularly extends, whether in connection with loans, sales of property or services, or otherwise, consumer credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, and (2) is the person to whom the debt arising from the consumer credit transaction is initially payable on the face of the evidence of indebtedness or, if there is no such evidence of indebtedness, by agreement.” 15 USC § 1602(g). Neither Respondent qualifies as a creditor, so the request is irrelevant. The Consumer Finance Protection Bureau, the entity with more general statutory authority over credit extensions and Regulation Z, is restricted from “exercising **any rulemaking authority** over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.” 12 USC § 5519(a). Regulation Z – cited in the Complaint -- provides as follows: “(1) In general, this part applies to each individual or business that offers or extends credit, other than a person excluded from coverage of this part by section 1029 of the Consumer Financial Protection Act of 2010, title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376, when four conditions are met: (i) The credit is offered or extended to consumers; (ii) The offering or extension of credit is done regularly; (iii) The credit is subject to a finance charge or is payable by a written agreement in more than four installments; and (iv) The credit is primarily for personal, family, or household purposes.” Neither Respondent meets this definition.
- Requests 43,44: The Requests as written simply cannot be understood. Respondents offered the only response possible – upon clarification, i.e. identifying “the number” in the predicate clause is being referred to, and simply ensuring that

² Complaint Counsel apparently wishes that Respondents simply admit everything they want to admit, while Complaint Counsel can object to and deny simple requests directed to Complaint Counsel. For instance, Respondents asked Complaint Counsel to admit that the “check” that serves as the basis for Count One does not contain the name of a financial institution on it, states that it is not a check, has no payee, and lacks other *indicia* of a real check. Complaint Counsel objected to all of these requests, and even denied some of these plainly admissible “facts.” *See Exhibit 6* at Responses to RFAs 4-6; 19-20.

the awkwardly worded requests were understood, Respondents would give a response. Complaint Counsel never offered to clarify what this question was seeking.

- Requests 45, 49: The denial, albeit one that Complaint Counsel dislikes, certainly meets the substance of both requests. The request asked Respondents to admit that **all** recipients of the mailer were not entitled to claim a cash prize. This is not true, and was therefore denied. The fact that at least one recipient **was entitled** requires denial of the Request. The Motion requests a qualification that has already been given – i.e. that at least one recipient was entitled to claim the cash prize.
- Request 50: Respondents are at a loss as to why they must admit or deny what is or is not the Great Seal. Based on the personal knowledge of Respondents, which is the only thing that they can offer a response based upon, the fact is that Respondents are not personally aware of what the Great Seal looks like. Respondents have no intention of not stipulating that the Great Seal of the United States is the Great Seal of the United States, but it seems entirely abusive to try to force an individual who lacks such knowledge to admit that as fact.

II. No Meet and Confer – Amended Responses

With respect to the Amended Responses (Complaint Counsel Exhibit A), all responses except responses to RFAs 1-4 as they relate to Platinum Plus have been accepted by Complaint Counsel, and no meet and confer was ever conducted concerning the Amended Responses. As noted above, counsel engaged in a lengthy discovery conference concerning the first responses, and, with the sole exception of the Platinum Plus responses, agreed to file amended answers as demanded by Complaint Counsel. Those were filed on July 8, the agreed date. Since that time, Complaint Counsel has not identified any deficiency, nor requested a meet and confer on the amended responses.

Accordingly, Complaint Counsel has not met either the letter or the spirit of the Scheduling Order's meet and confer requirement. The requirement in the Scheduling Order requires an actual conference between counsel to discuss and attempt to solve discovery disputes. The reason a meet and confer was not scheduled on these discovery responses is because Complaint Counsel agreed to the amended responses and, once received, these amended responses were deemed acceptable.

If there was no agreement, a second “deficiency” letter would have issued, and a meet and confer required. The failure to include in the motion a statement setting forth the “date, time and place of each ... conference between counsel, and the names of all parties participating in each such conference” renders the Motion deficient. On that basis, the Motion should be denied as it pertains to Respondents’ Amended Responses.

Substantively, the issues raised by Complaint Counsel are deficient and wasteful.³ For example, Request No. 15 has been admitted by the party who actually sent the Mailer. The Individual Respondent did not send the Mailer, so the request is not proper as to Individual Respondent. During the meet and confer, this issue was raised, and Respondents noted that the fact for which Complaint Counsel seeks to “streamline” the trial have been admitted: *i.e.* that the Florida Stimulus Mailer was sent to resident in Florida in March of 2020. The denial is not that the Mailer was not mailed as admitted; rather, it is simply to note that Individual Respondent did not send the Mailer. This is a reasonable qualification as it is apparent that Complaint Counsel now wants to use these “admissions” to argue that Individual Respondent “admitted” to sending the Mailer, confusing the liability of the corporate respondent with the individual respondent.

III. Requests for Admissions Directed at a Non-Party Were Objected to and Improper

Finally, the responses and objections related to RFA’s directed at these Respondents to admit or deny the business of parties not present before the Commission is simply not relevant. The fact that Platinum Plus may have relevant documents supporting the issuance of a subpoena

³ The very introduction to Complaint Counsel’s Section II establishes this point: “Complaint Counsel has requested that Respondents acknowledge that certain advertisement were created by Respondent TJE and sent to residents.” There is no explanation as to why Complaint Counsel has to have both Respondents answer this simple question, and the answers provided ADMIT that this, in fact occurred, *i.e.* that Respondent Traffic Jam created advertisements and sent them to residents. Complaint Counsel is needlessly pursuing this issue.

is a completely different issue than whether that non-party's business affairs has any relevance to whether Traffic Jam and David J. Jeansonne II violated the FTC Act as alleged in Counts One, Two and Three. Respondents are not contesting discovery issued to Platinum Plus; rather, it is simply improper for Complaint Counsel to seek admissions regarding Platinum Plus' business, as requested in Requests No. 1 and 2. Whatever business Platinum Plus may be in does not alter, affect or in any way relate to whether these Respondents violated the FTC Act as alleged.

The Motion does not explain why the business activity of Platinum Plus is relevant to any issue that will be addressed at the hearing, instead simply citing the fact that a subpoena was issued as proof of relevance. But the fact that Platinum Plus may have documents relating to Traffic Jam, and thus be a source of information, does not make their business activities relevant to the hearing. The whole purpose of Rule 3.32 is to narrow issue at trial, and the Motion is deficient in explaining what issues for trial will involve the acts and practices of a non-party to the Complaint.

In any event, objections to these requests (RFAs 1, 2, 3, 4, 33, 34, 35 and 36) were timely raised in compliance with Rule 3.32(b), and should this Court overrule the objection, the appropriate remedy is not an admission, as proposed by Complaint Counsel. Rather, any order should provide that the answer be amended to comply with the request, subpoena, or order. Rule 3.38(b)(1).

CONCLUSION

For these reasons, this Court should deny the Motion to Determine the Sufficiency of Respondent's Responses to Requests for Admission.

July 30, 2021

Respectfully submitted,

/s/ L. Etienne Balart

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2021, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

The Honorable Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
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Complaint Counsel

/s/ L. Etienne Balart

L. ETIENNE BALART

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DOCKET NO. 9395

**TRAFFIC JAM EVENTS, LLC'S
RESPONSES TO REQUESTS FOR ADMISSIONS**

NOW INTO COURT, through undersigned counsel, comes Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne II (collectively, “Respondents”), who respond to the Requests for Admissions as follows:

General Objections

Respondent Traffic Jam generally objects to these Requests to the extent that Complainant seeks information from Traffic Jam concerning the business activities of another company, and further seeks information answers to questions involving the operations of that company with entities other than Traffic Jam. The responses herein, to the extent they relate to Platinum Plus, are not given on behalf of Traffic Jam nor are they given by Individual Respondent in his capacity as an officer of Traffic Jam.

Respondents jointly object to these Requests to the extent that they seek conclusions of law rather than fact.

REQUEST FOR ADMISSION NO. 1:

Platinum Plus Printing, LLC is in the business of creating advertising and providing

direct mail marketing services on behalf of automotive dealerships to promote automotive sales.

ANSWER TO REQUEST FOR ADMISSION NO. 1:

This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Platinum Plus is not a party to this proceeding, and its business is not an issue in dispute in this proceeding. Accordingly, Respondents object to this Request.

REQUEST FOR ADMISSION NO. 2:

Platinum Plus Printing, LLC generated advertisements on behalf of, at the request of, and for the benefit of automotive dealerships.

ANSWER TO REQUEST FOR ADMISSION NO. 2:

This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Platinum Plus is not a party to this proceeding, and its business is not an issue in dispute in this proceeding. Accordingly, Respondents object to this Request.

REQUEST FOR ADMISSION NO. 3:

During 2020 and 2021, David Jeansonne had authority to control the acts and practices of Traffic Jam Events, LLC and Platinum Plus Printing, LLC in generating advertisements on behalf of, at the request of, and for the benefit of automotive dealerships.

ANSWER TO REQUEST FOR ADMISSION NO. 3:

This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any

matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Platinum Plus is not a party to this proceeding, and its business is not an issue in dispute in this proceeding. Accordingly, Respondents object to this Request as it relates to Platinum Plus.

With respect to Respondents as it relates to Traffic Jam, Respondents object to the extent that this Request calls for a legal conclusion. Individual Respondent, as the President of Traffic Jam, does have general authority over the affairs of the company.

REQUEST FOR ADMISSION NO. 4:

During 2020 and 2021, David Jeansonne had knowledge of the acts and practices of Traffic Jam Events, LLC and Platinum Plus Printing, LLC, in generating advertisements on behalf of, at the request of, and for the benefit of automotive dealerships.

ANSWER TO REQUEST FOR ADMISSION NO. 4:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Platinum Plus is not a party to this proceeding, and its business is not an issue in dispute in this proceeding. Accordingly, Respondents object to this Request as it relates to Platinum Plus.

With respect to Respondents as it relates to Traffic Jam, Respondents object to the extent that this Request calls for a legal conclusion and is so broad and ambiguous as to be incapable of formulating a response. Complaint counsel has failed to specify what acts and practices are subject to the Request and Respondents therefore can offer no meaningful response.

REQUEST FOR ADMISSION NO. 5:

At the domain www.trafficjamevents.com, Respondents advertise that they offer automotive dealerships “industry-leading direct-response mail and staffed-event campaigns for dealerships across the U.S.A.”

ANSWER TO REQUEST FOR ADMISSION NO. 5:

DENIED as to Individual Respondent; ADMITTED as to Respondent Traffic Jam.

REQUEST FOR ADMISSION NO. 6:

Respondents have generated advertisements on behalf of and at the request of and for the benefit of automotive dealerships located in multiple states, including Alabama, Florida, Louisiana, Indiana, Kansas, New Hampshire, Tennessee, Texas, and Washington.

ANSWER TO REQUEST FOR ADMISSION NO. 6:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Additionally, the Request is not limited in time and therefore is unduly burdensome, and is vague in that it conflates the business of Traffic Jam with Individual Respondent. Further, the Request does not identify what advertisements, or even a single advertisement, it seeks an admission upon, nor does it identify any advertisement that is the subject of the instant action.

REQUEST FOR ADMISSION NO. 7:

In the course of generating advertisements to promote automotive sales, Respondents have employed the services of printers located in California, Florida and Virginia.

ANSWER TO REQUEST FOR ADMISSION NO. 7:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Additionally, the Request is not limited in time and therefore is unduly burdensome, and is vague in that it conflates the business of Traffic Jam with Individual Respondent. Further, the Request does not identify what advertisements, or even a single advertisement, it seeks an admission upon, nor does it identify any advertisement that is the subject of the instant action.

REQUEST FOR ADMISSION NO. 8:

Respondents cause or have caused advertisements that they have created on behalf of automotive dealerships to promote automotive sales to be distributed through the United States Postal Service to residents of multiple states, including Alabama, Florida, Louisiana, Indiana, Kansas, New Hampshire, Tennessee, Texas, and Washington.

ANSWER TO REQUEST FOR ADMISSION NO. 8:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Additionally, the Request is not limited in time and therefore is unduly burdensome, and is vague in that it conflates the business of Traffic Jam with Individual Respondent. Further, the Request does not identify what advertisements, or even a single advertisement, it seeks an admission upon, nor does it identify any advertisement that is the subject of the instant action.

Subject to these objections, the Request is DENIED. No advertisements created by Respondent Traffic Jam were ever distributed on behalf of Traffic Jam; rather, they were distributed, as noted in the Request, on behalf of the automotive dealerships as advertisements for the identified dealerships. Respondent Traffic Jam does not advertise for or on behalf of itself, and therefore engages in no “commerce” as that term is defined in 15 USC 44.

REQUEST FOR ADMISSION NO. 9:

Respondents were responsible for generating Exhibits A, B, and C to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action.

ANSWER TO REQUEST FOR ADMISSION NO. 9:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 10:

David Jeansonne directly participated in creating Exhibits A, B, and C to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action.

ANSWER TO REQUEST FOR ADMISSION NO. 10:

Respondents object to this Request as the term “directly participated” is not defined and is subject to a variety of possible meanings. Subject to proper clarification, Respondents will respond accordingly.

REQUEST FOR ADMISSION NO. 11:

Exhibits A, B, and C to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action were mailed to residents through the United States Postal Service.

ANSWER TO REQUEST FOR ADMISSION NO. 11:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 12:

Exhibits A, B, and C to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action promoted automotive sales that are in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

ANSWER TO REQUEST FOR ADMISSION NO. 12:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED.

REQUEST FOR ADMISSION NO. 13:

Respondents have generated advertisements to promote automotive sales that are in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.1

ANSWER TO REQUEST FOR ADMISSION NO. 13:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC

jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED.

REQUEST FOR ADMISSION NO. 14:

Respondents have generated advertisements to promote credit offers that are in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.¹

ANSWER TO REQUEST FOR ADMISSION NO. 14:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED.

REQUEST FOR ADMISSION NO. 15:

The Florida Stimulus Mailer was sent to residents in Florida in March 2020.

ANSWER TO REQUEST FOR ADMISSION NO. 15:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 16:

The Florida Stimulus Mailer promoted an automotive sales event in Bushnell, Florida from March 27, 2020 to April 5, 2020, for or on behalf of New Wave Auto Sales.

ANSWER TO REQUEST FOR ADMISSION NO. 16:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 17:

Respondents mailed or caused to be mailed approximately 35,000 pieces of the Florida

Stimulus Mailer were distributed.

ANSWER TO REQUEST FOR ADMISSION NO. 17:

This Request is confusing and appears to contain an error. Subject to further clarification, Respondents will provide a response.

REQUEST FOR ADMISSION NO. 18:

The Alabama Stimulus Mailer was sent to residents in Alabama in early April 2020.

ANSWER TO REQUEST FOR ADMISSION NO. 18:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 19:

The Alabama Stimulus Mailer promoted an automotive sales event in Dothan, Alabama for or on behalf of Dothan Chrysler Dodge Jeep Ram FIAT.

ANSWER TO REQUEST FOR ADMISSION NO. 19:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 20:

Respondents mailed or caused to be mail approximately 10,000 pieces of the Alabama Stimulus Mailer were distributed.

ANSWER TO REQUEST FOR ADMISSION NO. 20:

This Request is confusing and appears to contain an error. Subject to further clarification, Respondents will provide a response.

REQUEST FOR ADMISSION NO. 21:

Respondents were responsible for generating the Alabama Stimulus Mailer.

ANSWER TO REQUEST FOR ADMISSION NO. 21:

ADMITTED that Traffic Jam generated the mailer; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 22:

The Florida Stimulus Mailer includes a watermark that resembles the image of the eagle that appears on the Great Seal of the United States.

ANSWER TO REQUEST FOR ADMISSION NO. 22:

DENIED. The watermark is clearly not the Great Seal of the United States to any reasonable person who knows what the Great Seal of the United States is; moreover, an image resembling an eagle is not an image that can only resemble the Great Seal.

REQUEST FOR ADMISSION NO. 23:

The Florida Stimulus Mailer includes an image of a check from the “STIMULUS RELIEF PROGRAM.”

ANSWER TO REQUEST FOR ADMISSION NO. 23:

DENIED. The “check” contains a clear and conspicuous notice that it is, in fact, not a check, and contains other obvious signs to any reasonable consumer that it is not, in fact, a “check”, including but not limited to not containing the name of a bank or financial institution, not having an account or routing number, not having a payee, and not having a written amount. To any reasonable consumer, there was no “check” contained in the Mailer; rather, it was clearly part of an advertisement.

REQUEST FOR ADMISSION NO. 24:

The automotive sales event promoted by the Florida Stimulus Mailer was not affiliated or otherwise associated with, or approved by, an entity or program named “STIMULUS RELIEF PROGRAM.”

ANSWER TO REQUEST FOR ADMISSION NO. 24:

Respondents cannot admit nor deny this Request, and therefore object. The automotive

dealer was, in fact, running its own “stimulus relief program.” Given that this Mailer was sent prior to any official government stimulus program, and that the U.S. Government does not have a patent on or other exclusive right to the use of the word “stimulus,” this fact has no relevance to the claims at issue, unless the FTC takes the position, which it seems to assert, that only the U.S. Government may organize and use the term “stimulus relief program.”

REQUEST FOR ADMISSION NO. 25:

Respondents designed the Florida Stimulus Mailer to give the impression that the mailing was affiliated or otherwise associated with, or approved by, the government.

ANSWER TO REQUEST FOR ADMISSION NO. 25:

DENIED. There is no impressions from the Mailer, taken as a whole, was affiliated or otherwise associated with, or approved by, the government.

REQUEST FOR ADMISSION NO. 26:

The automotive sales event promoted by the Florida Stimulus Mailer was not affiliated or otherwise associated with, or approved by, the government.

ANSWER TO REQUEST FOR ADMISSION NO. 26:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED as the Mailer creates no such impression, especially given the fact that as was widely reported, there was no government program regarding “stimulus” in effect at the time.

REQUEST FOR ADMISSION NO. 27:

The Madison Tent Event Prize Notification Mailer was sent to residents in Alabama in May 2020.

ANSWER TO REQUEST FOR ADMISSION NO. 27:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 28:

The Madison Tent Event Prize Notification Mailer promoted an automotive sales event in Madison, Alabama from May 28 to June 3, 2020, on behalf of Landers McLarty Nissan.

ANSWER TO REQUEST FOR ADMISSION NO. 28:

ADMITTED as to Traffic Jam; DENIED as to Individual Respondent.

REQUEST FOR ADMISSION NO. 29:

Respondents selected the code that appears on the Madison Tent Event Prize Notification Mailer under the heading “OFFICIAL WINNING CODE” to give recipients the impression that they had won a specific prize that could be collected by visiting a specific dealership.

ANSWER TO REQUEST FOR ADMISSION NO. 29:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED.

REQUEST FOR ADMISSION NO. 30:

Respondents selected the code that appears on the Madison Tent Event Prize Notification

Mailer in the black box with the title “COMBINATION BOX” to give recipients the impression that they had won a specific prize that could be collected by visiting a specific dealership.

ANSWER TO REQUEST FOR ADMISSION NO. 30:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Complainant seeks to establish FTC jurisdiction, a legal determination, through an admission of fact, which is improper. To the extent a response is required, it is DENIED.

REQUEST FOR ADMISSION NO. 31:

In 2020 and 2021, Respondents created and disseminated advertisements to aid, promote, or assist closed-end credit transactions subject to the TILA and 15 U.S.C. § 1664 (TILA § 144), as amended.

ANSWER TO REQUEST FOR ADMISSION NO. 31:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Additionally, the Request is not limited in time and therefore is unduly burdensome, and is vague in that it conflates the business of Traffic Jam with Individual Respondent. Further, the Request does not identify what advertisements, or even a single advertisement, it seeks an admission upon, nor does it identify any advertisement that is the subject of the instant action.

REQUEST FOR ADMISSION NO. 32:

In 2020 and 2021, Respondents created and disseminated advertisements for close-end credit that stated the amount of a down payment for purchase of an automobile on credit but did not conspicuously state all of the following terms: the terms of repayment, and the “annual percentage rate” using that term.

ANSWER TO REQUEST FOR ADMISSION NO. 32:

Respondents object to this Request. This Request is improper under 16 CFR 3.32 because it does not relate to the truth of any matters relevant to the pending proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Additionally, the Request is not limited in time and therefore is unduly burdensome, and is vague in that it conflates the business of Traffic Jam with Individual Respondent. Further, the Request does not identify what advertisements, or even a single advertisement, it seeks an admission upon, nor does it identify any advertisement that is the subject of the instant action.

June 21, 2021

Respectfully submitted,

/s/ L. Etienne Balart

L. ETIENNE BALART (La. #24951)
TAYLOR K. WIMBERLY (La. #38942)
Jones Walker LLP
201 St. Charles Avenue – 48th Floor
New Orleans, LA 70170
Telephone: (504) 582-8584
Facsimile: (504) 589-8584
Email: ebalart@joneswalker.com
twimberly@joneswalker.com

***Counsel for Respondents, Traffic Jam Events,
LLC and David J. Jeanson II***

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2021, I caused the foregoing document to be served via electronic mail to:

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580

The Honorable Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

Thomas J. Widor
Sanya Shahrabi
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20506
twidor@ftc.gov
sshahrabi@ftc.gov

Complainant Counsel

June 21, 2021

/s/ L. Etienne Balart
L. ETIENNE BALART

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

TRAFFIC JAM EVENTS, LLC, a limited liability company

and

DAVID J. JEANSONNE II, individually and as an officer of TRAFFIC JAM EVENTS, LLC.

DOCKET NO. 9395

DECLARATION OF DAVID J. JEANSONNE, II UNDER 28 USC § 1746

1. My name is David J. Jeansonne, II. I am over the age of 21, and I am competent and capable of making this Declaration. I have personal knowledge of the facts and statements contained herein, and each of them is true and correct to the best of my knowledge, information, and belief.
2. I am the President of Traffic Jam Events, LLC.
3. I offer this Declaration on behalf of Traffic Jam Events, LLC.
4. I have reviewed Respondents Answers to Request for Admissions dated June 21, 2021, and hereby verify that they are true and correct to the best of my knowledge and belief.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of June, 2021.


DAVID J. JEANSONNE, II



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Michael E. Tankersley
Division of Financial Practices
(202) 631-7091; mtankersley@ftc.gov

June 28, 2021

By Email ebalart@joneswalker.com

L. Etienne Balart
Jones Walker LLP
201 St. Charles Ave
New Orleans, LA 70170-5100

Re: FTC Docket 9395, Complaint Counsels' First Set of Requests for Admissions

Dear Mr. Balart:

In the interest of conferring to obviate or narrow a motion to challenge the sufficiency your initial responses, we request that Respondents provide revised responses to the First Set of Requests for Admissions to cure the deficiencies in their responses to the following requests:

Requests 1, 2, 3, 4

Respondents object to responding to each of these four requests on the basis that Platinum Plus is not a party. This is not a valid justification for refusing to admit. As the Court's orders have made clear, Platinum Plus's activities and these statements are plainly within the scope of discovery in this proceeding. The objection that Requests 3 and 4 calls for legal conclusions is also not a valid basis for failing to admit. *See* 16 C.F.R. § 3.32(a) (request for admission may relate to the application of law to fact).

Requests 4, 6, 7, 8, 31, 32

Respondents object to these requests on the basis that they fail to specify an act, an advertisement, or a time, or "conflate" the business of Respondents. These are not valid grounds for refusing to admit or deny. If Respondents contend that the statements must be qualified, the Rule governing admissions requires that Respondents qualify their admission and specify the part they contend is contrary to fact. *See* 16 C.F.R. § 3.32(b) ("when good faith requires that a party qualify its answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder."). If Respondents contend that the statements must be qualified to distinguish one of the Respondents or a period, they must respond with an appropriately qualified answer identifying the Respondent or period. *See* Instructions 6.c and 6.d.

EXHIBIT 2

Requests 11, 15, 16, 18, 19, 27, 28

In each of these requests, Traffic Jam admits a statement that Respondent Jeansonne denies. Because both respondents have access to the same information, there is no justification for contradictory responses. Respondent Jeansonne's denials are not supported by the facts and contradicted by Traffic Jam's admissions. These contradictory responses cannot be justified on the basis that Traffic Jam alone was responsible for the events referenced in the Requests because none of these Requests attribute the events to both or either Respondent.

Request 17 and 20

Respondents refused to provide responses because the Requests "appear[s] to contain an error." Recognizing the error, Rule 3.32(b) still requires that a party answer in good faith and qualify as necessary. To clarify, the requests inadvertently included "were distributed." Request 17 should read "Respondents mailed or caused to be mailed approximately 35,000 pieces of the Florida Stimulus Mailer." Request 20 should read "Respondents mailed or caused to be mailed approximately 10,000 pieces of the Alabama Stimulus Mailer."

Requests 24, 26

The responses to these Requests do not fairly meet the substance of the requested admission. Respondents deny Request 26 on the basis that the Mailer "creates no such impression," but Request 26 does not reference any impression. Respondents object to Request 24 on the ground that the U.S. Government does not have a patent or exclusive right to the word "stimulus," but Request contains no reference to patents, exclusive rights or the U.S. Government. In addition, the failure to admit is inconsistent with Respondent Jeansonne's June 22 testimony.

If you have questions or wish to discuss any of these responses further, please call me ((202) 631-7091). We request that Respondents provide revised responses that address the deficiencies identified above by no later than **Friday, July 3, 2021**.

Sincerely,

/s
Michael E. Tankersley
Staff Attorney
Division of Financial Practices

cc: Taylor Wimberly, twimberly@joneswalker.com
David Jeansonne, david@trafficjamevents.com

Brickman, Jennifer

From: Balart, Etienne
Sent: Friday, July 30, 2021 11:49 AM
To: Brickman, Jennifer
Subject: FW: FTC Docket No. 9395, Complaint Counsels' First Set of Requests for Admission

L. Etienne Balart | Partner
Jones Walker LLP
D: 504.582.8584 | M: 504.756.2192
ebalart@joneswalker.com

From: Tankersley, Michael <MTANKERSLEY@ftc.gov>
Sent: Thursday, July 1, 2021 8:44 AM
To: Balart, Etienne <ebalart@joneswalker.com>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; david@trafficjamevents.com; Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: [EXTERNAL] RE: FTC Docket No. 9395, Complaint Counsels' First Set of Requests for Admission

Mr. Balart,
I am available for a call to discuss at 9:00 am CDT/10:00 am EDT on July 5.

Michael Tankersley
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Ave., NW
CC-10232
Washington, DC 20580
(202) 631-7091

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Wednesday, June 30, 2021 11:19 AM
To: Tankersley, Michael <MTANKERSLEY@ftc.gov>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; david@trafficjamevents.com; Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: FTC Docket No. 9395, Complaint Counsels' First Set of Requests for Admission

Michael –

I am out of the country until July 3. I can be available for a call to discuss your requests, and satisfy the meet and confer requirement, on July 5. Please advise a time we can have a call.

Etienne

L. Etienne Balart | Partner
Jones Walker LLP
D: 504.582.8584 | M: 504.756.2192

From: Tankersley, Michael <MTANKERSLEY@ftc.gov>

Sent: Monday, June 28, 2021 4:04 PM

To: Balart, Etienne <ebalart@joneswalker.com>

Cc: Wimberly, Taylor <twimberly@joneswalker.com>; david@trafficjamevents.com; Shahrabi, Sanya <sshahrabi@ftc.gov>; Widor, Thomas <twidor@ftc.gov>

Subject: [EXTERNAL] FTC Docket No. 9395, Complaint Counsels' First Set of Requests for Admission

Please find attached a letter regarding your responses to the First Set of Requests for Admission.

Michael Tankersley
Federal Trade Commission
Bureau of Consumer Protection
(202) 631-7091

Brickman, Jennifer

From: Balart, Etienne
Sent: Friday, July 30, 2021 11:54 AM
To: Brickman, Jennifer
Subject: FW: FTC Docket 9395, CCs Requests for Admissions
Attachments: CCs Second Set of RFAs_Atts1-6.pdf; CCs Second Set of RFAs.pdf

L. Etienne Balart | Partner
Jones Walker LLP
D: 504.582.8584 | M: 504.756.2192
ebalart@joneswalker.com

From: Tankersley, Michael <MTANKERSLEY@ftc.gov>
Sent: Friday, June 25, 2021 7:43 PM
To: Balart, Etienne <ebalart@joneswalker.com>; Wimberly, Taylor <twimberly@joneswalker.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: [EXTERNAL] FTC Docket 9395, CCs Requests for Admissions

Please find attached Complaint Counsels' Second Set of Requests for Admissions.

Michael Tankersley
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Ave., NW
CC-10232
Washington, DC 20580
(202) 326-2991

X200041

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of

TRAFFIC JAM EVENTS, LLC, a limited liability company, and

DAVID J. JEANSONNE II, individually and as an officer of TRAFFIC JAM EVENTS, LLC.

DOCKET NO. 9395

COMPLAINT COUNSEL’S SECOND SET OF REQUESTS FOR ADMISSIONS TO TRAFFIC JAM EVENTS, LLC and DAVID J. JEANSONNE II

Pursuant to Rule 3.32 of the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings, 16 C.F.R. §§ 3.32, Complaint Counsel hereby requests that Respondent Traffic Jam Events, LLC and David J. Jeansonne II serve written responses to the following requests for admissions within ten (10) days of service of the request.

INSTRUCTIONS

1. For the purposes of this Request for Admissions, each numbered paragraph constitutes a separate statement and is to be admitted or denied separately.
2. Pursuant to Rule 3.32, you must specifically admit or deny the requested admission, or set forth in detail the reasons why you cannot admit or deny the matter. A denial must fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the requested admission, you must specify what portion of it is true and qualify or deny the remainder. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny.
3. Your belief that the matter on which an admission is requested presents a genuine issue for trial does not, on that ground alone, provide a valid basis for objection.
4. It is not grounds for objection that the requested admission relates to opinions of fact or the application of law to fact.

5. If you object to any part of a Request for Admission, answer all parts of such Request for Admission to which you do not object.
6. Whenever necessary to construe a Request for Admission as true, the following interpretations should be applied:
 - a. The singular form of any word should be construed to include the plural and the plural form to include the singular.
 - b. The past tense of the verb should be construed to include the present tense and the present tense to include the past tense.
 - c. A statement that was true for a given period of time should be construed as seeking admission that the statement is accurate with a qualification noting the period for which the statement is admitted to be true.
 - d. A statement describing the action of a Respondent is true if one or more of that Respondents’ officers, agents, servants or employees engaged in the action.
7. Rule 3.32(b) requires that your responses be sworn under oath.

DEFINITIONS

“Madison Tent Event Prize Notification Mailer” means **Exhibit C** to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action.

REQUESTS FOR ADMISSIONS

For purposes of the purpose of the pending proceeding, admit that:

33. Respondent David Jeansonne is the owner of Platinum Plus Printing, LLC, a Minnesota limited liability company with its principal place of business at 701 6th Street, NW, Maple Lake, MN 55358.

34. Platinum Plus Printing, LLC, has purchased services to print advertisements designed by Respondent Traffic Jam Events, LLC, on behalf of, at the request of, and for the benefit of automotive dealerships.

35. Since 2013, under United States Patent and Trademark Office Registration No. 4,373,483, Platinum Plus Printing, LLC, has been the registered owner of the service mark, “COMBINATION BOX” for use in commerce to identify digital electronic display devices for promotional advertisement, namely for contests, sweepstakes and lotteries.

36. Respondent Traffic Jam Events, LLC has created and disseminated print advertisements that use the text “COMBINATION BOX” to describe digital electronic display devices used in contests and sweepstakes.

37. In 2020 and 2021, Respondent Traffic Jam Events, LLC, created and disseminated advertisements that contained statements that describe monthly payment amounts or the amount of down payment for the purchase of automobiles on credit.

38. In 2020 and 2021, Respondent Traffic Jam Events, LLC, created and disseminated advertisements that contained statements that describe an APR or “annual percentage rate” offered to consumers for automotive financing.

39. Respondent Traffic Jam Events, LLC did not review advertisements that Respondent Traffic Jam Events, LLC created and disseminated that describe monthly payment amounts, down payments or an APR for compliance with 16 C.F.R. § 226.24.

40. On all of the Madison Tent Event Prize Notification Mailers sent to residents of Alabama, the code “74937” appeared under the heading “OFFICIAL WINNING CODE.”

41. On all the Madison Tent Event Prize Notification Mailers sent to residents of Alabama, the code “74937” was displayed in the accompanying black box with the title “COMBINATION BOX.”

42. On all of the Madison Tent Event Prize Notification Mailers sent to residents of Alabama, the code that appeared under the heading “OFFICIAL WINNING CODE” matched the code displayed in the accompanying black box with the title “COMBINATION BOX.”

43. At the Madison Tent Event, the number used to determine what prize a recipient of the Madison Tent Event Prize Notification Mailer could claim was not the code that appeared under the heading “OFFICIAL WINNING CODE” or the code displayed in the accompanying black box with the title “COMBINATION BOX.”

44. At the Madison Tent Event, the number used to determine what prize a recipient of the Madison Tent Event Prize Notification Mailer could claim was printed at the bottom of the first page of the advertisement, where the characters “<PRIZEBOARD NUMBER>” appear on Exhibit C to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II.

45. At the Madison Tent Event, recipients of the Madison Tent Event Prize Notification Mailer on which the code “74937” appeared under the heading “OFFICIAL WINNING CODE” were not entitled to claim a cash prize of \$2,500.

46. On all of the **Attachment 1** advertisements sent to residents in Texas, the code “74937” appeared adjacent to the words “PEEL HERE.”

47. On all of the **Attachment 1** advertisements sent to residents of Texas, the code that appeared adjacent to the words “PEEL HERE” matched the code displayed in the “COMBINATION BOX” affixed to the advertisement.

48. At the event described in **Attachment 1**, the number used to determine what prize a recipient of **Attachment 1** could claim appeared at the bottom of the first page of the advertisement under the barcode, to the right of the text “WINNING NUMBER.”

49. At the event described in **Attachment 1**, recipients of **Attachment 1** on which the code “74937” appeared adjacent to the words “PEEL HERE” and in the “COMBINATION BOX” affixed to the advertisement were not entitled to claim a cash prize of \$2,500.

50. The image below is the Great Seal of the United States.¹



Admissions for The Purposes of Authenticity and Admissibility of Exhibits

51. **Attachment 1** is a copy of an advertisement generated by Traffic Jam Events LLC that promoted an automotive sales event in Houston, Texas from September 24, 2020, through September 30, 2020, for or on behalf of Tom Peacock Nissan.

52. **Attachment 1**, was sent to residents in Texas in September 2020, with names and zipcodes of each resident inserted in place the name and zipcode on **Attachment 1**.

53. **Attachment 2** is a copy of an advertisement generated by Traffic Jam Events LLC that promoted an automotive sales event in Houston, Texas from June 16, 2020, to June 20, 2020, for or on behalf of South Houston Nissan.

54. **Attachment 2** was sent to residents in Texas in June 2020.

¹ Government Publishing Office, <https://www.govinfo.gov/features/great-seal>.

55. **Attachment 3** is a copy of an advertisement generated by Traffic Jam Events LLC that promoted an automotive financing offer available through April 30, 2020, for or on behalf of Enterprise Chevrolet in Enterprise, Alabama.

56. **Attachment 3** was sent to residents in Alabama in April 2020.

57. **Attachment 4** is a copy of an advertisement generated by Traffic Jam Events LLC to promote an automotive sales event in Middleburg, Florida from April 4, 2020, to April 12, 2020, for or on behalf of New Wave Auto.

58. **Attachment 5** is a copy of an advertisement generated by Traffic Jam Events LLC that promoted an automotive sales event in West Palm Beach, Florida from March 23, 2020, to March 29, 2020, for or on behalf of New Wave Auto.

59. **Attachment 5** was sent to residents in Florida in March 2020.

60. **Attachment 6** is a copy of an advertisement generated by Traffic Jam Events LLC that promoted an automotive sales event in Hobe Sound, Florida from March 10, 2020, to March 15, 2020, for or on behalf of Treasure Coast Indian Motorcycle.

61. **Attachment 6** was sent to residents in Florida in February and March 2020.

Respectfully submitted,

By: /s/ Michael E. Tankersley
Michael E. Tankersley
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20506

June 25, 2021

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2021, I caused the foregoing document to be served via electronic mail to:

L. Etienne Balart
Taylor Wimberly
Jones Walker LLP
201 St. Charles Ave
New Orleans, LA 70170-5100
ebalart@joneswalker.com
twimberly@joneswalker.com
Counsel for Respondents

June 25, 2021

By: */s/ Michael E. Tankersley*
Michael E. Tankersley
Federal Trade Commission
Bureau of Consumer Protection

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS

Attachment 1



TOM PEACOCK NISSAN



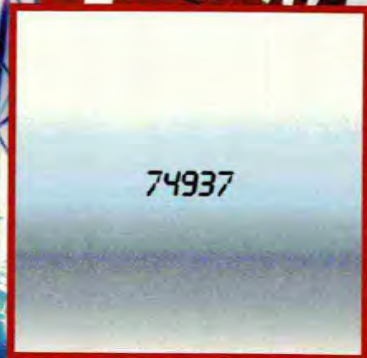
TRUCK MONTH KICKOFF



DURING THIS TRUCK MONTH KICKOFF EVENT ONLY, WE ARE OFFERING ALL CUSTOMERS THE SAME PRICES OUR EMPLOYEES PAY ON THE NEW NISSAN OF YOUR CHOICE!

SCORE BIG AT THIS \$15,000 INSTANT CASH OR NEW NISSAN ALTIMA INSTANT WIN GAME!

PEEL HERE



WINNING CODES:

33698	\$15,000.00 INSTANT CASH OR NEW NISSAN ALTIMA	
74937	\$2,500.00 INSTANT CASH	
04629	ALL-NEW WIRELESS EARPODS W/CHARGING CASE	
90155	\$800.00 WALMART GIFT CARD	
60258	\$250.00 AMAZON GIFT CARD	

HOW TO WIN:

If the code under your Peel2Win™ matches one of the Winning Codes AND the Combination Box below, you are a guaranteed winner with a possible \$15,000 Instant Cash or New Nissan Altima!



PULL THE TAB ON YOUR Combination Box TO REVEAL YOUR 5-DIGIT ELECTRONIC COMBINATION. IF YOUR COMBINATION MATCHES THE PEEL2WIN™ CODE AND ONE OF THE WINNING CODES ABOVE, YOU ARE A GUARANTEED WINNER WITH A POSSIBLE \$15,000 INSTANT CASH OR NEW NISSAN ALTIMA!

**LIMITED-TIME GIVEAWAY!
SEPTEMBER 24TH THRU 30TH ONLY!**

PATRICIA, THIS INSTANT WIN GAME IS BARCODE PROTECTED. You must have your barcode verified at the event location.



PATRICIA INFANTE ZIP 77375-7463 WINNING NUMBER 736674

Patricia, if your codes match,
**CALL 1-800-251-1527 NOW
OR TEXT 133909546 TO 716-31!**

**DEALER ID:
133
EVENT ID:
909546**

PATRICIA, SCORE BIG AT TOM PEACOCK NISSAN WITH OVER \$30,000 IN FULLY-INSURED PRIZES AND UPGRADE TO A NEW NISSAN AT EMPLOYEE PRICING! SEPTEMBER 24TH THRU 30TH ONLY!

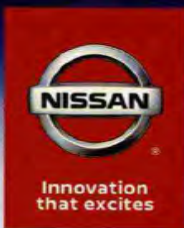
D3 12001

Message & data rates may apply.

TRUCK MONTH KICKOFF



TOM PEACOCK NISSAN



\$197 PER MO.
36-MO. LEASE
OR BUY FOR



NEW 2019 NISSAN ROGUE

\$327 PER MO.
36-MO. LEASE
OR BUY FOR



NEW 2019 NISSAN MURANO

\$397 PER MO.
36-MO. LEASE
OR BUY FOR



NEW 2019 NISSAN ARMADA

\$298 PER MO. (1)

\$447 PER MO. (1)

\$471 PER MO. (1)



NEW 2019 NISSAN SENTRA

\$157 PER MO. 36-MO. LEASE

OR BUY FOR **\$277 PER MO. (1)**



NEW 2019 NISSAN ALTIMA

\$187 PER MO. 36-MO. LEASE

OR BUY FOR **\$307 PER MO. (1)**



NEW 2019 NISSAN TITAN

\$377 PER MO. 36-MO. LEASE

OR BUY FOR **\$457 PER MO. (1)**

25% OFF MSRP
ON ALL NEW TITANS AND FRONTIERS! (4)



MAKE NO PAYMENTS UNTIL NEXT YEAR! (2)
\$1,500 OVER KBB FOR ALL TRADE-INS! (3)



TRUCK MONTH KICKOFF EVENT HEADQUARTERS:

TOM PEACOCK NISSAN
15300 I-45 N. EXIT 63 AIRTEX
HOUSTON, TX 77090

MONDAY - SATURDAY: 9:00AM - 9:00PM · SUNDAY: CLOSED TO RESTOCK

VALID ONLY AT:
TOM PEACOCK NISSAN
15300 I-45 N. EXIT 63 AIRTEX • HOUSTON, TX 77090

ISSUED

To: (PLEASE FILL IN COMPLETELY)
NAME: _____
ADDRESS: _____
CITY, ST ZIP: _____

UP TO THE AMOUNT OF: TWO THOUSAND SEVEN HUNDRED SEVENTY-SEVEN AND ***77/100***

\$ 2,777.77

VOUCHER NO. 08945-A59807-BH3198411

C. Gates

Void where prohibited, certificate has no cash value, non-negotiable certificate. This is not a check. Only valid if presented upon registration. Amount good toward select vehicles. Cannot be used in conjunction with any other offers. Expires September 30th, 2019.

(1) Payments are plus tax, title and license on select in-stock new 2019 Nissan models with approved credit. See dealer for complete terms and conditions regarding lease and purchase payments. (2) No payments until January 2020 with approved credit subject to lender's approval. (3) Must be presented upon registration. Valid on select pre-owned vehicles model year 2013 or newer and priced \$15,000 or higher. (4) Discount off MSRP includes all applicable manufacturer rebates and dealer incentives. See dealer for complete terms and details. Cannot combine any offers. * If the winning number on your invitation matches the prize board at the dealership, you have won one (1) of the following prizes: #1 \$15,000 Instant Cash or New Nissan Altima retail value \$15,000 #2 \$2,500 Instant Cash 1:50,000 #3 All-New Wireless Earpods w/Charging Case 49,956:50,000 #4 Walmart Gift Card worth \$800 1:50,000 #5 Amazon Gift Card worth \$250 1:50,000. All taxes are responsibility of the prize winner(s). Contest begins September 2nd, 2019 and ends September 30th, 2019. No purchase necessary. Purchase does not increase chance of winning. Contest open to legal US residents age 18 or older with a valid driver's license who received an original mail piece with a valid driver's license who received an original mail piece in person by close of business September 30th, 2019. Any unclaimed prizes will not be awarded. All photos are for illustration purposes only. Vehicles are subject to prior sale. Void where prohibited by law. All offers end September 30th, 2019.
Batteries are included in attached Combination Box™ device and must be disposed of properly per state regulations.

FTC-TJE-S1-00003745

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS

Attachment 2

<FIRSTNAME LASTNAME>

PUBLIC

YOU COULD WIN A NEW NISSAN ALTIMA! 5 DAYS ONLY- JUNE 16TH THRU 20TH!

PEEL
HERE

AND
WIN!

74937

If your codes do not match, you are still eligible for the exclusive offers during this event!

HOW TO WIN

Peel to reveal your code above. If your code matches your Combination Box, and one of the Prize Combinations below, you are a WINNER with a possible New Nissan Altima! Call or log on now and schedule your appointment at South Houston Nissan to find out what prize you've won!



NEW NISSAN ALTIMA GIVEAWAY EVENT!

<FIRSTNAME>, IF YOUR CODES MATCH ABOVE YOU ARE A GUARANTEED WINNER!*

CALL 888-488-8843 NOW!

OR LOG ON TO MyPrizeStatus.com

YOUR PIN IS:

<CONF CODE>

<FIRSTNAME LASTNAME> ZIP <ZIPCODE> WINNING NUMBER <PRIZEBOARD NO>



PULL THE TAB ON YOUR Combination Box... TO REVEAL YOUR 5-DIGIT ELECTRONIC COMBINATION. IF YOUR COMBINATION MATCHES THE PEEL2WIN™ CODE AND ONE OF THE PRIZE COMBINATIONS BELOW, YOU ARE A GUARANTEED WINNER WITH A POSSIBLE NEW NISSAN ALTIMA!

IF YOUR CODE MATCHES BELOW, CALL 888-488-8843 OR LOG ON TO MyPrizeStatus.com NOW!



THE PRIZES

03563



**NEW NISSAN
ALTIMA**

74937



**\$2,500
INSTANT CASH**

04620



**\$800
AMAZON GIFT CARD**

39207



**WIN UP TO \$250
INSTANTLY ON OUR
PRIZE WHEEL**

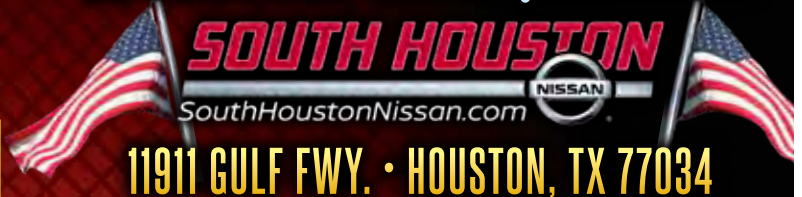
93210



**\$150
INSTANT CASH**

PRIZE COMBINATIONS:

SPONSORED HEADQUARTERS:



11911 GULF FWY. • HOUSTON, TX 77034

JUNE 2020

31	01	02	03	04	05	06
07	08	09	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	01	02	03	04
05	06	07	08	09	10	11

<seq_no>

SOUTH HOUSTON VEHICLE REDUCTION EVENT!

- NO PAYMENTS FOR UP TO 6 MONTHS. (4)
- 0% FINANCING AVAILABLE FOR 84 MONTHS. (5)
- \$3,107.92 PRICE REDUCTION ON SELECT VEHICLE PURCHASES! (A)

RECEIVE UP TO \$7,500 OVER KBB ON ALL TRADES! (7)

LIMITED-TIME SAVINGS AVAILABLE!

LIMIT TWO (2) VEHICLES PER HOUSEHOLD AT THIS EVENT!

PAYMENTS FOR ONLY **\$257** PER MO. (1) WITH \$0 DOWN



TO DRIVE AWAY IN THIS NEW 2020 NISSAN SENTRA RIGHT NOW!

OR PAY JUST **\$281** PER MO. (2) WITH \$0 DOWN



GOING ON NOW, TO BRING HOME THIS NEW 2020 NISSAN ROGUE!

OR PAY ONLY **\$310** PER MO. (3) WITH \$0 DOWN



TO TAKE HOME THIS NEW 2020 NISSAN ALTIMA AT THIS EVENT!

5 DAYS ONLY! TUE.-FRI: 9AM-9PM • SAT: 8:30AM-8:30PM

MANDATORY QUALIFICATIONS TO USE AUTOMOTIVE RELIEF VOUCHER BELOW:

- 1) MUST BE PERMANENT U.S. RESIDENT. 2) MUST HAVE VALID DRIVER'S LICENSE. 3) ANNUAL INCOME CANNOT EXCEED \$91,300.00.

VALID ONLY AT: SOUTH HOUSTON NISSAN
11911 GULF FWY. • HOUSTON, TX 77034

Financial Bank 101

ISSUED TO: _____
 (PLEASE FILL IN COMPLETELY) ADDRESS: _____
 CITY, ST ZIP: _____

AMOUNT UP TO
\$ 3,107.92

UP TO THE AMOUNT OF: THREE THOUSAND ONE HUNDRED SEVEN AND ***92/100***

[Signature]
 AUTHORIZED SIGNATURE
 - VOID IF DUPLICATED • NOT A CHECK -

Void where prohibited, certificate has no cash value, non-negotiable certificate. This is not a check. Only valid if presented upon registration. Amount good toward select vehicles. Cannot be used in conjunction with any other offers. Expires June 20th, 2020.



RECEIVE A BONUS SPIN ON OUR PRIZE WHEEL WITH EVERY VEHICLE PURCHASE (6)

Must register completely to participate in the event. Please see dealer for details. All prizes are up to the dollar amount shown. All prices are WAC plus TTFL. (1) \$0 down plus tax, title and license/\$257 per month example: 2020 Nissan Sentra sale price \$17,750 84 months at 3.75% APR with approved credit. (2) \$0 down plus tax, title and license/\$281 per month example: 2020 Nissan Rogue sale price \$17,801 84 months at 3.75% APR with approved credit. (3) \$0 down plus tax, title and license/\$310 per month example: 2020 Nissan Altima sale price \$21,708 84 months at 3.75% APR with approved credit. (4) No payments for up to 6 months subject to lender's approval with approved credit. Interest accrues from date of purchase. (5) 0% APR available on select new Nissan models for up to 84 months financing thru Nissan Credit with approved credit-subject to lender's approval. (6) Limit 2 spins per customer. See dealer for details. (7) Mileage and condition may affect trade-in value. See dealer for details. Cannot combine any offers. *If the winning number on your invitation matches the prize board at the dealership, you have won one (1) of the following prizes: #1 New Nissan Altima stk#81043 retail value \$15,000 #2 \$2,500 Instant Cash 1:9,000 #3 \$800 Amazon Gift Card 1:9,000 #4 Wheel Spin worth \$1 up to \$250 8,996:9,000 #5 \$150 Instant Cash 1:9,000. All taxes are the responsibility of the prize winner(s). Contest begins June 16th, 2020 and ends June 20th, 2020. No purchase necessary. Purchase does not increase chance of winning. Contest open to legal US residents age 18 or older with a valid driver's license who received an original mail piece via US mail. Excludes Florida residents. Participants agree to all contest rules. See dealer for complete contest rules. South Houston Nissan employees and associates, mail house, associated sponsors or agencies, and their family members and members of same household are ineligible. Addressee must redeem original mail piece in person by close of business June 20th, 2020. Any unclaimed prizes will not be awarded. All photos are for illustration purposes only. Vehicles are subject to prior sale. Void where prohibited by law. All offers end June 20th, 2020.

Batteries are included in attached Combination Box™ device and must be disposed of properly per state regulations. 97395 1494 1

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS

Attachment 3



PLATINUM AUTO FUNDING
FINANCE & SAVINGS DEPT.
ENTERPRISE, AL 36330

<First Name>, what if your automobile payment was only an estimated
<NEW_PAY> PER MONTH?

You can reduce your payment by an estimated <SAVE_MTH> per month!

<FirstName LastName>, this is what we know about you:

Your current estimated vehicle monthly payment	Your current estimated interest rate (APR)	Estimated months remaining on your current loan
<CUR_PAY>	<CUR_APR>	<CUR_MTH>



We can save you an estimated <SAVE_MTH> per month on your loan – after <CUR_MTH> months, that’s <SAVINGS> total cash in your pocket!* **You are already pre-approved[®] for an auto loan from \$7,500 to \$38,791.** By refinancing with this auto loan through the Platinum Auto Funding Program, you could have:

Your refinanced estimated vehicle monthly payment	Your refinanced estimated interest rate (APR)	Estimated total cash saved compared to your current loan
<NEW_PAY>	2.9%	<SAVING>



**CALL (334) 347-9581
ASK FOR BRODIE!**

<FirstName>, please respond within 7 days of receiving this notice or the offer will expire. Enclosed is a short credit application. Please fill this out upon arrival or go to EnterpriseChevy.com and fill out your application online. Space is limited so it is highly recommended you schedule an appointment via phone or proceed immediately to the Refinancing Headquarters to claim this offer.

We’re offering free pick-up service as a courtesy right now!

Refinancing Headquarters:
Enterprise Chevrolet
1001 Rucker Blvd. • Enterprise, AL 36330
Monday–Friday: 8am–7pm • Saturday: 8am–6pm
Sunday: Closed to restock



Reserved funding is limited and only available on a first-come, first-serve basis including scheduled appointments. 2.9% APR offer valid for up to 72 months with approved credit. See dealer for details. All offers expires April 30th, 2020.

You can choose to stop receiving “pre-screened” offers of credit from this and other companies by calling toll-free 1-888-567-8688. See the PRESCREEN & OPT OUT NOTICE on the back side for more information about prescreened offers.

**To process your application, please go to www.offersdirect.com and select Select Apply Now. You must be at least 21 years of age to be eligible. You must continue to meet the criteria used to select you for this offer and AllDirect Lending, LLC creditworthiness criteria. You must provide evidence of at least \$2,500 gross monthly income. You must provide evidence of Full Coverage Automobile Insurance at the time the vehicle is purchased or refinanced. You must provide a valid driver license (one loan allowed per valid Driver License). Your monthly car payment under any loan extended relating to this offer cannot exceed 18% of your gross monthly income. Your maximum monthly expenses cannot exceed 45% of your gross monthly income, including the credit offered on this letter. By responding to this offer, you understand that if a current credit bureau report indicates current delinquent accounts, or if you have had a repossession in the last year two years, or more than one ever, this credit offer can be withdrawn. This offer is nontransferable. This offer expires 45 days from the mailer/email date. Credit is available for the purchase or refinances of a 2009 model year or newer with a maximum mileage not to exceed 85,000. Vehicle cannot be a commercial vehicle, cannot have a conversion package, cannot have a salvaged or branded title, cannot be greater than a one-ton vehicle, and cannot be a motorcycle or a vehicle in which the odometer has been replaced. Negative equity may need to be paid for with an additional down payment. Additional terms and conditions may apply. If you continue to meet the criteria used to select you for this offer and the above conditions, you are pre-qualified for the amount shown on this mailer/email, at an interest rate between 3.99% APR and 24.99% APR, calculated according to the simple interest method, for a term of up to 72 months. For example: for every \$1,000 financed for a period of 72 months, the monthly payment is \$19.50 @ 11.9% APR and is \$21.64 @ 15.9% APR. Therefore, if you finance \$15,000 over 72 months @ 11.9% APR, your monthly payment will be \$292.50. The minimum amount you may borrow is \$7,500.*

PRESCREEN & OPT-OUT NOTICE: *This “prescreened” offer of credit is based on information in your credit report indicating that you meet certain criteria. This offer is not guaranteed if you do not meet criteria (including providing acceptable property collateral). If you do not want to receive prescreened offers of credit from this or any other companies, call toll free 1-888-567-8688, Equifax Options, P.O. Box 740123 Atlanta, GA 30374, Experian information Systems, Inc., P.O. Box 919, Allen, TX 75013, Trans Union Opt Out Request, P.O. Box 505, Woodlyn, PA 19094-0505 or by calling 1-888-5optout.*

*Not in conjunction with AllDirect Lending, LLC offer of credit. (1) \$199 per month 39-month lease plus tax, title and license with \$3,959 due at signing. \$0 security deposit. Payments are for a 2020 Chevrolet Trax FWD LT with an MSRP of \$23,200. 39 monthly payments total \$7,761. Option to purchase at lease end for an amount to be determined at lease signing. Lessor must approve lease. Lessee pays for maintenance, repair, excess wear and disposition fee of \$395 or less at end of lease. Not available with other offers. See dealer for details. (2) \$1,500 down plus tax, title and license/\$299 per month example: New 2020 Chevrolet Malibu stk#MA3851 sale price \$26,240 84 months at 3.9% APR with approved credit. (3) Up to \$8,000 off MSRP plus tax, title and license example: New 2020 Chevrolet Silverado 1500 Double Cab includes all applicable rebates and incentives. See dealer for details. Cannot combine any offers. Valid only at Enterprise Chevrolet. All offers expire April 30th, 2020.

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS

Attachment 4

\$30,000 STIMULUS RELIEF GIVEAWAY EVENT!

PULL THE TAB ON YOUR Combination Box...
 TO REVEAL YOUR 5-DIGIT ELECTRONIC COMBINATION. IF YOUR
 COMBINATION MATCHES THE PEEL2WIN™ CODE BELOW AND ONE
 OF THE PRIZE COMBINATIONS, YOU ARE A GUARANTEED WINNER
 WITH A POSSIBLE \$30,000 INSTANT CASH!

THE PRIZES

HOW TO WIN

Peel to reveal your code below. If your code matches your
 Combination Box... above and one of the Prize Combinations,
 you are a WINNER with a possible \$30,000 Instant Cash! Call or log
 on now and schedule your appointment at this exclusive Middleburg
 Stimulus Relief tent event to find out what prize you've won!

PRIZE COMBINATIONS:

21985

74937

55043

61811

37940



**\$30,000
INSTANT CASH**



**\$1,500.00
INSTANT CASH**



**\$800.00
WALMART GIFT CARD**



**ALL-NEW WIRELESS EARPODS
PRO W/CHARGING CASE**



**\$250.00
AMAZON GIFT CARD**

**PEEL
HERE!**

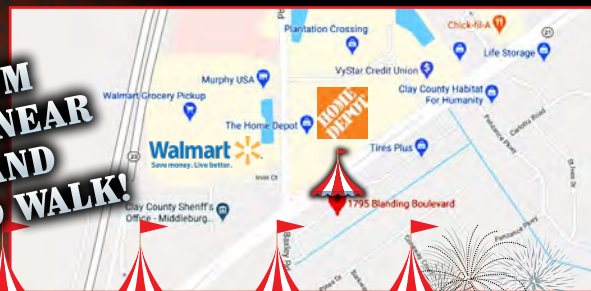


74937

**MATCH
HERE!**

**ACROSS FROM
HOME DEPOT NEAR
WALMART AND
BRANAN FIELD WALK!**

If your codes do not match, you are still eligible for the
 exclusive offers during this event!



<FIRSTNAME>, IF YOUR CODES MATCH
 ABOVE YOU ARE A GUARANTEED WINNER!*

CALL 1-800-251-1527 NOW!

OR LOG ON TO MyPrizeStatus.com

YOUR PIN IS:

<CONF CODE>

**1795 BLANDING BLVD.
MIDDLEBURG, FL 32068**

APRIL 4TH – 12TH ONLY!

MONDAY-SATURDAY: 9AM UNTIL THE LAST CUSTOMER IS SERVED
 SUNDAY: 11AM UNTIL THE LAST CUSTOMER IS SERVED

<FIRSTNAME LASTNAME> ZIP <ZIPCODE> WINNING NUMBER <PRIZEBOARD NUMBER>

NORTHWEST FLORIDA STIMULUS RELIEF SITE

CONGRATULATIONS TO
**JAKEB MCGINNIS, THE
LATEST GRAND PRIZE WINNER!**



STIMULUS RELIEF TENT HEADQUARTERS:
1795 BLANDING BLVD. • MIDDLEBURG, FL 32068

**SPECIAL STIMULUS RELIEF SAVINGS AVAILABLE!
LIMIT TWO (2) VEHICLES PER HOUSEHOLD AT THIS EVENT!**

MAKE NO PAYMENTS FOR
120 DAYS
ALL PAYMENTS DEFERRED!

**EASTER 50" BIG
SCREEN TV GIVEAWAY**
TO BE HELD SUNDAY, APRIL 12TH AT 3:00PM (5)



0% APR
AVAILABLE INSTANTLY!

**WE ARE GOING TO GIVE
YOU WHAT YOUR CAR IS
ACTUALLY WORTH!**

PAYMENTS **\$116** PER WITH \$0
FOR ONLY **MO.** DOWN
TO TAKE HOME THIS MERCEDES-BENZ M-CLASS!



ON
SALE!

OR PAY **\$133** PER WITH \$0
JUST **MO.** DOWN
GOING ON NOW, TO BRING HOME THIS NISSAN VERSA!



ON
SALE!

**MANDATORY QUALIFICATIONS TO RECEIVE EARLY COVID-19 STIMULUS FUNDS BELOW:
1) MUST BE PERMANENT U.S. RESIDENT. 2) MUST HAVE VALID DRIVER'S LICENSE. 3) ANNUAL INCOME CANNOT EXCEED \$91,300.00.**

VALID ONLY AT: MIDDLEBURG TENT EVENT
1795 BLANDING BLVD. • MIDDLEBURG, FL 32068

101

ISSUED NAME: _____
TO: _____
(PLEASE ADDRESS: _____
FILL IN CITY, ST ZIP: _____
COMPLETELY)

\$3,400.00 MAXIMUM PAYOUT

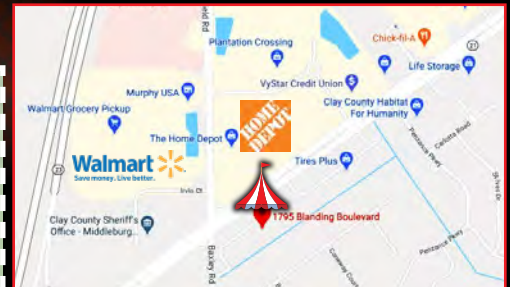
\$ **3,344.68**

UP TO THE AMOUNT OF: THREE THOUSAND THREE HUNDRED FORTY-FOUR AND ***68/100***

MEMO: AUTO STIMULUS RELIEF

Void where prohibited, certificate has no cash value, non-negotiable certificate. This is not a check.
Only valid if presented upon registration. Amount good toward select pre-owned vehicles. Cannot be
used in conjunction with any other offers. Expires April 12th, 2020.

Pres. _____
AUTHORIZED SIGNATURE
- VOID IF DUPLICATED • NOT A CHECK -



**STIMULUS RELIEF TENT HEADQUARTERS:
1795 BLANDING BLVD.
MIDDLEBURG, FL 32068**

MON.—SAT: 9AM UNTIL THE LAST CUSTOMER IS SERVED • SUN: 11AM UNTIL THE LAST CUSTOMER IS SERVED

(1) \$0 down, plus tax, title and license/\$116 per month example: 2009 Mercedes-Benz M-Class stk#TRA26442 sale price \$7,399 72 months at 3.9% APR with approved credit. (2) \$0 down, plus tax, title and license/\$133 per month example: 2018 Nissan Versa stk#MAR09694 sale price \$8,489 72 months at 3.9% APR with approved credit. (3) No payments for 120 days subject to lender's approval with approved credit. Interest accrues from date of purchase. (4) 0% APR financing available on select vehicles with approved credit-subject to lender's approval. (5) Must register and be present to win TV drawing on April 12th, 2020 at 3:00pm. Cannot combine any offers. *If the winning number on your invitation matches the prize board at the dealership, you have won one (1) of the following prizes: #1 \$30,000 Instant Cash 1:300,000 #2 \$1,500 Instant Cash 1:300,000 #3 \$800 Walmart Gift Card 1:300,000 #4 All-New Wireless Earpods w/Charging Case 299,996:300,000 #5 \$250 Amazon Gift Card 1:300,000. All taxes are the responsibility of the prize winner(s). The number that you matched does not give you a choice, but an opportunity to win a prize. Contest begins April 3rd, 2020 and ends May 3rd, 2020. No purchase necessary. Purchase does not increase chance of winning. Contest open to legal US residents age 18 or older with a valid driver's license who received an original mail piece via US mail. Participants agree to all contest rules. See dealer for complete contest rules. New Wave Auto Sales employees and associates, mail house, associated sponsors or agencies, and their family members and members of same household are ineligible. Addressee must redeem original mail piece in person by close of business May 3rd, 2020. Any unclaimed prizes will not be awarded. All photos are for illustration purposes only. Vehicles are subject to prior sale. Void where prohibited by law. All offers end May 3rd, 2020.
Batteries are included in attached Combination Box™ device and must be disposed of properly per state regulations.

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS

Attachment 5



\$30,000 INSTANT CASH GIVEAWAY

PRBRT-STD
U.S. POSTAGE
PAID
TRAFFIC JAM

FEATURING **Combination Box™**

AT THE EXCLUSIVE TENT EVENT AT WEST PALM BEACH OUTLETS!

OFFICIAL WINNING CODE

74937

MATCH
HERE



PRIZE COMBINATIONS:

33698

\$30,000.00
INSTANT CASH



1.

74937

\$1,500.00
INSTANT CASH



2.

04629

TWO ROUND TRIP TICKETS
ANYWHERE WE GO!



3.

90155

ALL-NEW WIRELESS EARPODS
W/CHARGING CASE



4.

60258

\$250.00
AMAZON GIFT CARD



5.

YOU ARE A CERTIFIED FINALIST
IN THIS GIVEAWAY EVENT! IF
YOUR DIGITAL ELECTRONIC
Combination Box™
MATCHES THE OFFICIAL
WINNING CODE AND ONE OF
THE PRIZE COMBINATIONS,
YOU ARE A GUARANTEED
WINNER WITH A POSSIBLE
\$30,000 INSTANT CASH AT THIS
EXCLUSIVE TENT EVENT AT
WEST PALM BEACH OUTLETS!*

INSIDE YOUR SECURED **Combination Box™** ARE YOUR 5 DIGITS THAT COULD
BE THE WINNING COMBINATION TO THE \$30,000 INSTANT CASH! IF YOUR NUMBERS DO NOT
MATCH, YOU ARE STILL ELIGIBLE FOR THE INCREDIBLE OFFERS DURING THIS EVENT!

PULL
THE TAB



IF YOUR **Combination Box™** AND OFFICIAL WINNING CODE MATCH ONE OF THE PRIZE COMBINATIONS,
CALL OR LOG ON AND SCHEDULE YOUR APPOINTMENT AT THIS EXCLUSIVE TENT EVENT AT WEST PALM BEACH
OUTLETS TO FIND OUT WHAT PRIZE YOU HAVE WON! PLEASE REDEEM DURING EVENT HOURS. NO PURCHASE
NECESSARY. ANY TAMPERING WITH NUMBERS WILL MAKE THIS DOCUMENT NULL AND VOID.

DIGITAL COMBINATION BOX
IS ONLY GOOD FOR
A LIMITED TIME ONCE
ACTIVATED

ALL OTHER CODES - SORRY, YOU ARE NOT A WINNER.

5483 W. Waters Ave. #1204
Tampa, FL 33634

1.) <FIRSTNAME>, YOUR COMBINATIONS ABOVE MUST MATCH TO WIN!

2.) **CALL 1-800-251-1527 NOW!**

OR LOG ON TO MyPrizeStatus.com

3.) YOUR PIN IS: <CONF CODE>

4.) BRING THIS INVITATION TO THE TENT EVENT AT WEST PALM BEACH OUTLETS TO CLAIM YOUR PRIZE!

MARCH 23RD THRU 29TH ONLY!

<FIRSTNAME> <LASTNAME> ZIP <ZIP> WINNING NUMBER <PRIZEBOARD NUMBER>

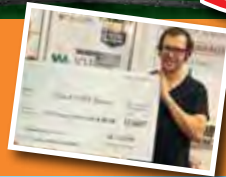
BONUS 50" BIG SCREEN TV GIVEAWAY

TO BE HELD SUNDAY, MARCH 29TH AT 3:00PM (5)



AS SEEN ON TV

CONGRATULATIONS TO JAKEB MCGINNIS,
THE LATEST GRAND PRIZE WINNER!



THE ULTIMATE CAR BUYING EXPERIENCE HAS COME TO YOU
WITH VEHICLES STARTING AS LOW AS 30 CENTS ON THE
DOLLAR! WHOLESale TO THE PUBLIC! HUNDREDS OF QUALITY,
CLEAN VEHICLES AT DRASTICALLY REDUCED PRICES!

**EXCLUSIVE LIMITED-TIME TENT EVENT AT WEST
PALM BEACH OUTLETS! INVENTORY WILL BE
RESTOCKED EVERY 2 DAYS!**



IMMEDIATE VEHICLE LIQUIDATION PROGRAM! OVER 570 VEHICLES TO BE LIQUIDATED - NO OVERNIGHT CAMPING!

**EXCLUSIVE
TENT EVENT
AT WEST
PALM BEACH
OUTLETS!**



1751 PALM BEACH LAKES BLVD. • WEST PALM BEACH, FL 33401

MONDAY-SATURDAY: 9AM UNTIL THE LAST CUSTOMER IS SERVED
SUNDAY: 11AM UNTIL THE LAST CUSTOMER IS SERVED

PAYMENTS FOR JUST
\$0 DOWN \$116/MO. (1)

MUST GO!



TO DRIVE AWAY IN THIS MERCEDES-BENZ M-CLASS RIGHT NOW!

MORE PAYMENTS FOR ONLY
\$0 DOWN \$133/MO. (2)

MUST GO!



GOING ON NOW, TO TAKE HOME THIS NISSAN VERSA!

THESE AND HUNDREDS OF OTHER VEHICLES WILL BE ON-SITE!

**100% CREDIT APPROVAL
IS OUR GOAL!**

**SLOW CREDIT, BAD CREDIT, BANKRUPTCY...
LOCAL BANK REPS WILL BE ON-SITE!**

**NO PAYMENTS
UNTIL JUNE
FOR A LIMITED TIME ONLY! (3)**



**15% OVER KBB
FOR ALL TRADE-INS
AT THIS EVENT! (4)**

VALID ONLY AT: EXCLUSIVE TENT EVENT AT WEST PALM BEACH OUTLETS
1751 PALM BEACH LAKES BLVD. • WEST PALM BEACH, FL 33401

101

ISSUED
To: NAME: _____
(PLEASE FILL IN COMPLETELY)
ADDRESS: _____
CITY, ST ZIP: _____

\$3,300.00 MAXIMUM PAYOUT
\$ **3,253 67**

UP TO THE
AMOUNT OF: THREE THOUSAND TWO HUNDRED FIFTY-THREE AND ***67/100***
VOUCHER NO. 08945-A59887-BH3198411

Pres. *M. Taylor*
AUTHORIZED SIGNATURE
- VOID IF DUPLICATED • NOT A CHECK -

Void where prohibited, certificate has no cash value, non-negotiable certificate. This is not a check. Only valid if presented upon registration. Amount good toward select pre-owned vehicles. Cannot be used in conjunction with any other offers. Expires March 29th, 2020.

(1) \$0 down, plus tax, title and license/\$116 per month example: 2009 Mercedes-Benz M-Class stk#TRA26442 sale price \$7,399 72 months at 3.9% APR with approved credit. (2) \$0 down, plus tax, title and license/\$133 per month example: 2018 Nissan Versa stk#MAR09694 sale price \$8,489 72 months at 3.9% APR with approved credit. (3) No payments until June 2020 subject to lender's approval with approved credit. Interest accrues from date of purchase. (4) Must be presented upon registration. Valid on select pre-owned vehicles model year 2014 or newer and priced \$15,000 or higher. (5) Must register and be present to win TV drawing on March 29th, 2020 at 3:00pm. Cannot combine any offers. *If the winning number on your invitation matches the prize board at the dealership, you have won one (1) of the following prizes: #1 \$30,000 Instant Cash 1:360,000 #2 \$1,500 Instant Cash 1:360,000 #3 Two Roundtrip Southwest Tickets max. retail value \$800 1:360,000 #4 All-New Wireless Earpods w/Charging Case 359,996:360,000 #5 \$250 Amazon Gift Card 1:360,000. All taxes are the responsibility of the prize winner(s). The number that you matched does not give you a choice, but an opportunity to win a prize. Contest begins March 6th, 2020 and ends April 5th, 2020. No purchase necessary. Purchase does not increase chance of winning. Contest open to legal US residents age 18 or older with a valid driver's license who received an original mail piece via US mail. Participants agree to all contest rules. See dealer for complete contest rules. New Wave Auto Sales employees and associates, mail house, associated sponsors or agencies, and their family members and members of same household are ineligible. Addressee must redeem original mail piece in person by close of business April 5th, 2020. Any unclaimed prizes will not be awarded. All photos are for illustration purposes only. Vehicles are subject to prior sale. Void where prohibited by law. All offers end April 5th, 2020.
Batteries are included in attached Combination Box™ device and must be disposed of properly per state regulations.

COMPLAINT COUNSEL'S SECOND SET OF
REQUESTS FOR ADMISSIONS
Attachment 6



\$30,000 INSTANT CASH GIVEAWAY

PRST-STD
U.S. POSTAGE
PAID
TRAFFIC JAM

FEATURING **Combination Box™**

AT THE EXCLUSIVE TENT EVENT AT TREASURE COAST INDIAN MOTORCYCLE!

OFFICIAL WINNING CODE

74937

MATCH
HERE



PRIZE COMBINATIONS:

33698	\$30,000.00 INSTANT CASH	1.
74937	\$1,500.00 INSTANT CASH	2.
04629	\$800.00 TARGET GIFT CARD	3.
90155	ALL-NEW WIRELESS EARPODS W/CHARGING CASE	4.
60258	\$250.00 AMAZON GIFT CARD	5.

YOU ARE A CERTIFIED FINALIST IN THIS GIVEAWAY EVENT! IF YOUR DIGITAL ELECTRONIC Combination Box™ MATCHES THE OFFICIAL WINNING CODE AND ONE OF THE PRIZE COMBINATIONS, YOU ARE A GUARANTEED WINNER WITH A POSSIBLE \$30,000 INSTANT CASH AT THIS EXCLUSIVE TENT EVENT AT TREASURE COAST INDIAN MOTORCYCLE IN HOBE SOUND!*

INSIDE YOUR SECURED Combination Box... ARE YOUR 5 DIGITS THAT COULD BE THE WINNING COMBINATION TO THE \$30,000 INSTANT CASH! IF YOUR NUMBERS DO NOT MATCH, YOU ARE STILL ELIGIBLE FOR THE INCREDIBLE OFFERS DURING THIS EVENT!

PULL
THE TAB



IF YOUR Combination Box... AND OFFICIAL WINNING CODE MATCH ONE OF THE PRIZE COMBINATIONS, CALL OR LOG ON AND SCHEDULE YOUR APPOINTMENT AT THIS EXCLUSIVE TENT EVENT AT TREASURE COAST INDIAN MOTORCYCLE TO FIND OUT WHAT PRIZE YOU HAVE WON! PLEASE REDEEM DURING EVENT HOURS. NO PURCHASE NECESSARY. ANY TAMPERING WITH NUMBERS WILL MAKE THIS DOCUMENT NULL AND VOID.

DIGITAL COMBINATION BOX
IS ONLY GOOD FOR
A LIMITED TIME ONCE
ACTIVATED

ALL OTHER CODES - SORRY, YOU ARE NOT A WINNER.

5483 W. Waters Ave. #1204
Tampa, FL 33634

1.) <FIRSTNAME>, YOUR COMBINATIONS ABOVE MUST MATCH TO WIN!

2.) **CALL 888-488-8843 NOW!**

OR LOG ON TO MyPrizeStatus.com

3.) YOUR PIN IS: <CONF CODE>

4.) BRING THIS INVITATION TO THE TENT EVENT AT TREASURE COAST INDIAN MOTORCYCLE TO CLAIM YOUR PRIZE!

MARCH 10TH THRU 15TH ONLY!

<FIRSTNAME LASTNAME> ZIP <ZIP> WINNING NUMBER <PRIZEBOARD NUMBER>

BONUS 50" BIG SCREEN TV GIVEAWAY

TO BE HELD SUNDAY, MARCH 15TH AT 3:00PM.⁽⁵⁾



AS SEEN ON TV



CONGRATULATIONS TO JAKEB MCGINNIS,
THE LATEST GRAND PRIZE WINNER!

THE ULTIMATE CAR BUYING EXPERIENCE HAS COME TO YOU
WITH VEHICLES STARTING AS LOW AS 30 CENTS ON THE
DOLLAR! WHOLESALE TO THE PUBLIC! HUNDREDS OF QUALITY,
CLEAN VEHICLES AT DRASTICALLY REDUCED PRICES!

**EXCLUSIVE LIMITED-TIME TENT EVENT AT TREASURE
COAST INDIAN MOTORCYCLE IN HOBE SOUND!
INVENTORY WILL BE RESTOCKED EVERY 2 DAYS!**



IMMEDIATE VEHICLE LIQUIDATION PROGRAM! OVER 570 VEHICLES TO BE LIQUIDATED - NO OVERNIGHT CAMPING!

**EXCLUSIVE TENT EVENT
AT TREASURE COAST
INDIAN MOTORCYCLE
IN HOBE SOUND!**



8401 SE FEDERAL HWY. • HOBE SOUND, FL 33455

MONDAY-SATURDAY: 9AM UNTIL THE LAST CUSTOMER IS SERVED
SUNDAY: 11AM UNTIL THE LAST CUSTOMER IS SERVED

PAYMENTS FOR JUST

\$0 DOWN \$116/MO.⁽¹⁾

TO DRIVE AWAY IN THIS MERCEDES-BENZ M-CLASS RIGHT NOW!

MUST GO!

MORE PAYMENTS FOR ONLY

\$0 DOWN \$133/MO.⁽²⁾

GOING ON NOW, TO TAKE HOME THIS NISSAN VERSA!

MUST GO!

THESE AND HUNDREDS OF OTHER VEHICLES WILL BE ON-SITE!

100% CREDIT APPROVAL IS OUR GOAL! **SLOW CREDIT, BAD CREDIT, BANKRUPTCY... LOCAL BANK REPS WILL BE ON-SITE!**

**NO PAYMENTS
UNTIL JUNE**
FOR A LIMITED TIME ONLY!⁽³⁾



15% OVER KBB
FOR ALL TRADE-INS
AT THIS EVENT!⁽⁴⁾

VALID ONLY AT: EXCLUSIVE TENT EVENT AT TREASURE COAST INDIAN MOTORCYCLE 101
8401 SE FEDERAL HWY. • HOBE SOUND, FL 33455

ISSUED To: (PLEASE FILL IN COMPLETELY)
NAME: _____
ADDRESS: _____
CITY, ST ZIP: _____

\$3,200.00 MAXIMUM PAYOUT
\$ 3,114 78

UP TO THE AMOUNT OF: THREE THOUSAND ONE HUNDRED FOURTEEN AND ***78/100***
VOUCHER NO. 08945-A59887-BH3198411

Pres. *M. Taylor*

AUTHORIZED SIGNATURE
- VOID IF DUPLICATED + NOT A CHECK -

Void where prohibited, certificate has no cash value, non-negotiable certificate. This is not a check. Only valid if presented upon registration. Amount good toward select pre-owned vehicles. Cannot be used in conjunction with any other offers. Expires March 15th, 2020.

(1) \$0 down, plus tax, title and license/\$116 per month example: 2009 Mercedes-Benz M-Class stk#TRA26442 sale price \$7,399 72 months at 3.9% APR with approved credit. (2) \$0 down, plus tax, title and license/\$133 per month example: 2018 Nissan Versa stk#MAR09694 sale price \$8,489 72 months at 3.9% APR with approved credit. (3) No payments until June 2020 subject to lender's approval with approved credit. Interest accrues from date of purchase. (4) Must be presented upon registration. Valid on select pre-owned vehicles model year 2014 or newer and priced \$15,000 or higher. (5) Must register and be present to win TV drawing on March 15th, 2020 at 3:00pm. Cannot combine any offers. *If the winning number on your invitation matches the prize board at the dealership, you have won one (1) of the following prizes: #1 \$30,000 Instant Cash 1:360,000 #2 \$1,500 Instant Cash 1:360,000 #3 \$800 Target Gift Card 1:360,000 #4 All-New Wireless Earpods w/Charging Case 359,996:360,000 #5 \$250 Amazon Gift Card 1:360,000. All taxes are the responsibility of the prize winner(s). The number that you matched does not give you a choice, but an opportunity to win a prize. Contest begins March 6th, 2020 and ends April 5th, 2020. No purchase necessary. Purchase does not increase chance of winning. Contest open to legal US residents age 18 or older with a valid driver's license who received an original mail piece via US mail. Participants agree to all contest rules. See dealer for complete contest rules. New Wave Auto Sales employees and associates, mail house, associated sponsors or agencies, and their family members and members of same household are ineligible. Addressee must redeem original mail piece in person by close of business April 5th, 2020. Any unclaimed prizes will not be awarded. All photos are for illustration purposes only. Vehicles are subject to prior sale. Void where prohibited by law. All offers end April 5th, 2020.

Batteries are included in attached Combination Box™ device and must be disposed of properly per state regulations.



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Michael E. Tankersley
Division of Financial Practices
(202) 631-7091; mtankersley@ftc.gov

July 16, 2021

By Email ebalart@joneswalker.com

L. Etienne Balart
Jones Walker LLP
201 St. Charles Ave
New Orleans, LA 70170-5100

Re: FTC Docket 9395, CoTJE, Deficiencies in 2d Set of Requests for Admissions Responses

Dear Mr. Balart:

In the interest of conferring to obtain appropriate responses without a motion, we request that Respondents provide revised responses to the Second Set of Requests for Admissions to cure the deficiencies in the following requests and similar responses in the Amended Responses to the First Requests for Admission:

Requests 33, 34

Respondents object to responding to each of these four requests on the basis that Platinum Plus is not a party. This is not a valid justification for refusing to admit. Platinum Plus brokered services for Respondent Traffic Jam with printers in multiple states, and the prior orders in this action have unambiguously established that its activities are within the scope of discovery.

Your amended responses to Requests 1, 2, 3 and 4 are improper for the same reason. In addition, your amended responses to Requests 3 and 4 improperly reference a deposition rather than responding directly to the request. *In the Matter of Bristol-Myers Company*, 1976 FTC LEXIS 273 at *3 (June 16, 1976).

Request 35

Respondents' relevance objection is unfounded. Respondents' use of a registered trademark in commerce is relevant to their defense that they are not engaged in interstate commerce.

Request 36

The response to this Request does not fairly meet the substance of the requested admission because it does not address whether Respondent Traffic Jam Events created the advertisements. *See In re General Motors Corp.*, 1977 FTC LEXIS 293, at *6-7 (Jan. 28, 1977); *Apex Oil Co. v.*

Belcher Co. of New York, 855 F.2d 1009, 1019 (2d Cir. 1988) (outright denial is improper where part of request is true). Respondents also have no valid basis for refusing to admit these requests because they use the term “created.” Respondents’ Answer states Traffic Jam Events “is in the business of creating mailers on behalf of automotive dealerships to promote automotive sales.”

Request 39

The Request does not ask Respondents to admit to a legal duty, and the denial based on your contention that others had a legal duty is not responsive to the request. *In re General Motors Corp.*, 1977 FTC LEXIS 293, at *11 (“the essential point of that request may not be evaded by responding to a question which was not asked.”).

Requests 43, 44

Your response does not explain what clarification you seek for these requests.

Requests 45, 49

The responses to these Requests do not fairly meet the substance of the requested admission. The statement that “a recipient was entitled to claim a prize” is not inconsistent with the request to admit that “the recipients” plural were not entitled to claim a prize. Based on your statement, the responses to Requests 45 and 49 should be ADMITTED with the qualification that *a recipient* (at each event) was entitled to claim a cash prize of \$2,500. *See In re General Motors Corp.*, 1977 FTC LEXIS 293, at *11 (response should admit true portion and deny the remainder).

Request 50

Lack of personal knowledge is not a valid basis for objecting to a request for admission. Rule 3.32 requires reasonable investigation and such investigation would confirm the truth of this Request. *In the Matter of Bristol-Myers Company*, 1976 FTC LEXIS 273 at *4 (June 16, 1976)

Requests 53-59, 61

Respondent Jeansonne’s denials are improper because none of these Requests attribute the events to both or either Respondent. Your amended responses to Requests 11, 15, 16, 18, 19, 27, and 28 are improper for the same reason.

If you have questions or wish to discuss any of these responses further, please call me ((202) 631-7091). We request that Respondents provide revised responses that address the deficiencies identified above by no later than Wednesday, July 20, 2021.

Sincerely,

/s
Michael E. Tankersley
Staff Attorney
Division of Financial Practices

cc: Taylor Wimberly, twimberly@joneswalker.com
David Jeansonne, david@trafficjamevents.com

X200041

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**TRAFFIC JAM EVENTS, LLC, a limited
liability company, and**

**DAVID J. JEANSONNE II,
individually and as an officer of
TRAFFIC JAM EVENTS, LLC.**

DOCKET NO. 9395

**COMPLAINT COUNSEL'S OBJECTIONS AND RESPONSES TO
RESPONDENT'S FIRST SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Rule 3.32 of the Federal Trade Commission's Rules of Practice, Complaint Counsel hereby responds to Respondent's First Set of Requests for Admissions, dated June 23, 2021. Complaint Counsel has endeavored to offer a good faith response to the First Set of Requests for Admissions but reserves the right to amend or supplement responses, especially insofar as Respondents may produce additional documents and information, the review of which may alter our responses herein.

Subject to the General Objections and the Specific Objections below, and without waiving these objections, Complaint Counsel answers as follows:

GENERAL OBJECTIONS

The following General Objections apply to each request for documents in Respondent's Requests and are hereby incorporated by reference into our response to each request. The assertion of the same, similar or additional objections, or partial answers in response to an

individual Request, does not waive any of Complaint Counsel's General Objections as to the other Requests.

1. Complaint Counsel objects to Respondent's Request to the extent the requests are directed to the Federal Trade Commission rather than to Complaint Counsel.
2. Complaint Counsel objects to Respondent's Requests to the extent that they seek to impose duties and obligations upon Complaint Counsel beyond the Commission's Rules of Practice for Adjudicative Proceedings.
3. Complaint Counsel objects to the First Requests for Admission to the extent the Requests are overly broad, vague, ambiguous, unduly burdensome, oppressive, and are not reasonably calculated to lead to the discovery of admissible evidence.
4. Complaint Counsel objects to the First Requests for Admission to the extent the Requests seek information protected by deliberative process privilege, law enforcement investigative privilege, informant's privilege, or the work product doctrine. Complaint Counsel does not, by any response to any Request, waive or partially waive any applicable privilege or work product claim.
5. Complaint Counsel reserves all of its evidentiary objections to the introduction or use of any response herein at the hearing in this action, and does not, by any response to any Request, waive any objection that a Request is irrelevant or inadmissible in connection with a motion or hearing in this action.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR ADMISSION NO. 1:

The Federal Trade Commission (“FTC”) has no pending investigation into any automotive dealers with whom Traffic Jam has done business.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the relevance of this request as it is not likely to lead to discovery of admissible evidence. Complaint Counsel also objects to the extent it requests information or documents covered by the law enforcement evidentiary files privilege and work product doctrine. Moreover, Complaint Counsel specifically objects pursuant to Rule 3.31(c)(2), to the extent that it seeks materials that were not “collected or reviewed in the course of the investigation of this matter or prosecution of this case and that are in the possession, custody or control of the Bureaus or Offices of the Commission that investigated the matter.”

REQUEST FOR ADMISSION NO. 2:

The FTC has no pending complaints against any automotive dealers with whom Traffic Jam has done business.

Response: In addition to the General Objections, Complaint Counsel specifically objects that the terms “pending complaints” and “automotive dealers with whom Traffic Jam has done business” are vague and ambiguous. Moreover, Complaint Counsel objects to the relevance of this request as it is not likely to lead to discovery of admissible evidence. Complaint Counsel also objects to the extent it requests information or documents covered by the law enforcement investigatory files privilege and work product doctrine. Complaint Counsel specifically objects pursuant to Rule 3.31(c)(2), to the extent that it seeks the materials that were not “collected or reviewed in the course of the investigation of this matter or prosecution of this case and that are in the

possession, custody or control of the Bureaus or Offices of the Commission that investigated the matter.”

REQUEST FOR ADMISSION NO. 3:

Since January 1, 2018, the FTC has not issued any cease and desist letters to automotive dealers for deceptive representations regarding prize winnings.

In addition to the General Objections, Complaint Counsel specifically objects to the term “cease and desist letters” as vague and ambiguous. Moreover, Complaint Counsel objects to the relevance of this request as it is not likely to lead to discovery of admissible evidence. Without waiving these objections, Complaint Counsel is unaware of the Commission issuing cease and desist letters or any authority for such letters, and, on that basis, Complaint Counsel admits this request.

REQUEST FOR ADMISSION NO. 4:

The “check” cited in the FTC Complaint, and as continued in the Florida Stimulus Mailer and the Alabama Stimulus Mailer, does not contain the name or identity of a financial institution or bank.

Response: In addition to the General Objections, Complaint Counsel specifically objects the phrase “check” and “as continued” in this Request is vague and ambiguous. There are four checks cited in the FTC Complaint. Also Complaint Counsel objects to the extent that this Request is not likely to lead to discovery of admissible evidence. Subject to those objections, Complaint Counsel (1) admits the check from the Stimulus Relief Program cited in the FTC Complaint and included as Exhibit C to the FTC Complaint and Exhibit A to Respondents’ Answer does not contain the name or identity of a financial institution or bank but denies the remainder of the Request as the Alabama Stimulus Mailer attached to Respondents’ Answer does not include a “check.”

REQUEST FOR ADMISSION NO. 5:

The “check” cited in the FTC Complaint has no payee.

Response: In addition to the General Objections, Complaint Counsel specifically objects to “‘check’ cited in the FTC Complaint” and “‘payee’” as vague and ambiguous. Subject to those objections, the check was mailed in envelopes addressed to specific recipients; therefore, Complaint Counsel denies the purported check described in paragraph 9.F and marked as Exhibit C of the FTC Complaint has no payee.

REQUEST FOR ADMISSION NO. 6:

The “check” cited in the FTC Complaint has no amount of payment written in longhand form.

Response: In addition to the General Objections, Complaint Counsel specifically objects to “‘check’ cited in the FTC Complaint” and “‘longhand form’” as vague and ambiguous. Complaint Counsel also objects to relevance of this request as it is not likely to lead to discovery of admissible evidence. Subject to those objections, to the extent “‘longhand’” means written out fully by hand or in cursive, Complaint Counsel admits the check described in paragraph 9.F and marked as Exhibit C to the FTC Complaint does not have an amount of payment written in longhand.

REQUEST FOR ADMISSION NO. 7:

Prior to March 27, 2020, the United States Government had not enacted any stimulus relief program relating to Coronavirus.

Response: In addition to the General Objections, Complaint Counsel objects to the terms “‘United States Government’” and “‘stimulus relief program’” are vague and ambiguous. Subject to the objections, Complaint Counsel admits that the Coronavirus Aid, Relief, and Economic Security Act (“‘CARES Act’”), P.L. 116-136, was enacted on March 27, 2020 to provide

immediate assistance to individuals, families, and businesses affected by the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak.

REQUEST FOR ADMISSION NO. 8:

The CARES Act was passed by Congress on March 27, 2020.

Response: In addition to the General Objections, Complaint Counsel objects to the term “Congress” as vague and ambiguous. Subject to the objections, Complaint Counsel admits the House of Representatives passed the CARES Act on March 27, 2020.

REQUEST FOR ADMISSION NO. 9:

A reasonable U.S. citizen was aware of the United States Government’s passage of the CARES Act.

Response: In addition to the General Objections, Complaint Counsel objects that this request, including the terms “reasonable U.S. citizen” and “United States Government’s passage,” is vague and ambiguous. Subject to the objections, Complaint Counsel denies that a U.S. citizen acting reasonably under the circumstances would have been aware of the United States Government’s passage of the CARES Act.

REQUEST FOR ADMISSION NO. 10:

A reasonable U.S. citizen was aware, as of March 27, 2020, that she would receive a stimulus check from the United States Government in the amount of \$1,200 for single adults, and \$500 per child.

Response: In addition to the General Objections, Complaint Counsel specifically objects that this request, including the terms “reasonable U.S. citizen,” “stimulus check,” and “United States Government,” is vague and ambiguous. Subject to the General and Specific Objections, Complaint Counsel denies that a U.S. citizen acting reasonably under the circumstances, as of

March 27, 2020, would have been aware of the specific credit amount she would receive, if any, the form of that credit, or from where it would come. The CARES Act provided a tax credit equal to the sum of \$1,200 to eligible individuals and \$2,400 to eligible individuals filing a joint return, with an additional \$500 credit multiplied by the number of qualifying children. The amount of the credit was reduced under the CARES Act by 5 percent of so much of a taxpayer's adjusted gross income as exceeds \$75,000 for individual filers, \$112,500 for a head of household filer, and \$150,000 for joint returns. The credit was issued through various means, including direct deposit, prepaid cards, and paper checks. The CARES Act also provides for additional forms of relief.

REQUEST FOR ADMISSION NO. 11:

As of March 28, 2020, it was widely reported in the mainstream media and virtually all news outlets, that the CARES Act provided single adults with income less than \$75,000 a \$1,200 check, and families and couples with income below \$150,000 a \$2,400 check plus an additional \$500 per child.

Response: In addition to the General Objections, Complaint Counsel specifically objects that this request is ambiguous and that the terms “widely reported,” “mainstream media,” and “virtually all news outlets” are vague and ambiguous. Complaint Counsel also objects to the request being overly burdensome and not likely to lead to discovery of admissible evidence. Subject to the General and Specific Objections, Complaint Counsel admits that, as of March 28, 2020, certain media and news outlets reported that the CARES Act would provide a credit to eligible individuals. After reasonable inquiry, Complaint Counsel otherwise lacks sufficient information to admit or deny the remainder of the Request as it would require Complaint Counsel to review all mainstream media and virtually all news outlets.

REQUEST FOR ADMISSION NO. 12:

As of March 28, 2020, it was widely reported in the mainstream media and virtually all news outlets that the CARES Act maximum eligible income was \$99,000 for individuals and \$198,000 for couples.

Response: In addition to the General Objections, Complaint Counsel specifically objects that this request is ambiguous and that the terms “widely reported,” “mainstream media,” and “virtually all news outlets” as vague and ambiguous. Subject to the General and Specific Objections, Complaint Counsel admits that, as of March 28, 2020, media and news outlets reported that the the CARES Act would provide a credit to eligible individuals.

After reasonable inquiry, Complaint Counsel otherwise lacks sufficient information to admit or deny the remainder of the Request as it would require Complaint Counsel to review all mainstream media and virtually all news outlets.

REQUEST FOR ADMISSION NO. 13:

There is no annual income limit of \$91,300.00 in the CARES Act or any other United States Government relief.

Response: Subject to General Objections, Complaint Counsel specifically objects to “any other United States Government relief” as vague, ambiguous, and overbroad. Complaint Counsel also objects to relevance of this request as it is not likely to lead to discovery of admissible evidence. Subject to those objections, Complaint Counsel admits that there is no annual income limit of \$91,300.00 in the CARES Act. Complaint Counsel denies the remainder of the Request as to “any other United States Government relief.”

REQUEST FOR ADMISSION NO. 14:

The FTC initiated the Complaint filed in the Eastern District of Louisiana (Case No. 2:20-cv-10740) based strictly on information provided to it by the Florida Attorney General’s Office.

Response: In addition to the General Objections, Complaint Counsel objects to the relevance of this request as it is not likely to lead to discovery of admissible evidence. Complaint Counsel specifically objects to the term “initiated” as vague and ambiguous. Complaint Counsel also objects to the extent this Request relates to information or documents protected by the deliberative process privilege, work product doctrine or the law enforcement investigatory files privilege. Moreover, Complaint Counsel specifically objects pursuant to Rule 3.31(c)(2), to the extent that it seeks information beyond the materials “collected or reviewed in the course of the investigation of this matter or prosecution of this case and that are in the possession, custody or control of the Bureaus or Offices of the Commission that investigated the matter.”

REQUEST FOR ADMISSION NO. 15:

With respect to the allegations in the Complaint, Traffic Jam creates advertisements on behalf automotive dealers located in the United States.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the term “with respect to the allegations in the Complaint” as vague and ambiguous. Subject to those objections, Complaint Counsel admits Traffic Jam has created advertisements on behalf of automotive dealers located in the United States.

REQUEST FOR ADMISSION NO. 16:

An automotive dealer is free to offer zero percent (0%) financing to its customers.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the term “free” as vague and ambiguous. Subject to those objections, Complaint Counsel denies this Request. Automobile financing offers must comply with applicable laws and regulations.

REQUEST FOR ADMISSION NO. 17:

An automotive dealer is free to offer payment deferrals to its customers.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the terms “free” and “payment deferrals” as vague and ambiguous. Subject to those objections, Complaint Counsel denies this Request. Payment deferral offers must comply with applicable laws and regulations.

REQUEST FOR ADMISSION NO. 18:

An automotive dealer is free to offer gift cards to prospective customers for visiting a dealership.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the term “free” as vague and ambiguous. Subject to those objections, Complaint Counsel denies this Request. Gift card offers must comply with applicable laws and regulations.

REQUEST FOR ADMISSION NO. 19:

The “check” that is the subject of the FTC Action contains a disclaimer stating that it has “no cash value.”

Response: In addition to the General Objections, Complaint Counsel specifically objects to “‘check’ that is the subject of the FTC Action” and “‘disclaimer’” as vague and ambiguous. Four purported checks appear in Exhibits to the FTC Complaint. Subject to those objections, Complaint Counsel admit (1) the back of the purported check marked as Exhibit C of the

Complaint contains fine print stating “no cash value”; and (2) the purported checks that appear in Exhibit E of the Complaint contain fine print stating “no cash value”; and (3) the purported check that appears in Exhibit F of the Complaint contains fine print stating “no cash value.” Complaint Counsel otherwise denies that the fine print on any of the Exhibits constitutes a valid, clear and conspicuous disclaimer.

REQUEST FOR ADMISSION NO. 20:

The “check” that is the subject of the FTC Action contains a disclaimer stating that “this is not a check.”

Response: In addition to the General Objections, Complaint Counsel specifically objects to the term “‘check’ that is the subject of the FTC Action” and “disclaimer” as vague and ambiguous. Four purported checks appear in Exhibits to the FTC Complaint. Subject to those objections, Complaint Counsel admit (1) The purported check marked as Exhibit C of the Complaint contains fine print stating “this is not a check”; and (2) The purported checks that appear in Exhibit E of the Complaint contain fine print stating “this is not a check”; and (3) The purported check that appears in Exhibit F of the Complaint contains fine print stating “this is not a check.” Complaint Counsel otherwise denies that the fine print on any of the Exhibits constitutes a valid, clear and conspicuous disclaimer.

REQUEST FOR ADMISSION NO. 21:

No consumer has filed a complaint with the FTC concerning either the Florida Stimulus Mailer or the Alabama Stimulus Mailer.

Response: Subject to the General Objections, and the specific objection that this request is not relevant and unlikely to lead to the discovery of admissible evidence, Complaint Counsel denies this Request.

REQUEST FOR ADMISSION NO. 22:

Prior to June 16, 2020, the FTC had not received a complaint from any consumer regarding any advertisements generated by Respondents.

Response: Subject to the General Objections, and the specific objection that this request is not relevant and unlikely to lead to the discovery of admissible evidence, Complaint Counsel denies this Request.

REQUEST FOR ADMISSION NO. 23:

The words “time-sensitive” placed on the envelope used in the Florida Stimulus Mailer and Alabama Stimulus Mailer was approved by the United States Post Office.

Response: In addition to the General Objections, Complaint Counsel specifically objects that the term “approved” in this Request is ambiguous. Complaint Counsel further objects that the request is irrelevant and is not likely to lead to the discovery of admissible evidence. Subject to the General and Specific Objections, after reasonable inquiry, Complaint Counsel is unaware of any evidence that the United States Postal Service approved or reviewed the envelopes used for the Florida Stimulus Mailer and the Alabama Stimulus Mailer and, therefore, denies this Request.

REQUEST FOR ADMISSION NO. 24:

Prior to June 16, 2020, the FTC had not notified Respondents’ of any violations of the FTC Act, nor issued any cease and desist letters regarding any activities conducted on behalf of Respondents.

Response: In addition to the General Objections, Complaint Counsel specifically objects to the term “cease and desist letters” and “any activities” as vague and ambiguous. Complaint Counsel further objects that the request is irrelevant and is not likely to lead to the discovery of admissible evidence. Subject to these objections, Complaint Counsel denies that the FTC did not

notify Respondents of any violations of the FTC Act prior to June 16, 2020. Complaint Counsel called and emailed Respondents' counsel on June 12, 2020, notifying that the Commission had authorized the filing of the federal court complaint.

Pursuant to 28 U.S.C. § 1746, and 16 C.F.R. § 4.2(f), I declare under penalty of perjury that the foregoing is true to the best of my knowledge, information and belief, and the objections comply with the applicable rules.

Executed in Washington, D.C. on July 6, 2021.

By: /s/ Sanya Shahrabi
Sanya Shahrabi
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20506

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2021, I caused the foregoing document to be served via electronic mail to:

David J. Jeansonne II
david@trafficjamevents.com

L. Etienne Balart
Taylor Wimberly
Jones Walker LLP
201 St. Charles Ave
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ebalart@joneswalker.com
twimberly@joneswalker.com

Counsel for Respondents

July 6, 2021

By: /s/ Sanya Shahrabi
Sanya Shahrabi
Federal Trade Commission
Bureau of Consumer Protection