

**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 MOTION FOR SANCTIONS**

Respondents Traffic Jam Events, LLC and David Jeansonne (collectively "Respondents"), through undersigned counsel, respectfully file this Memorandum opposing the Motion for Sanctions. This is the second such motion filed by Complaint Counsel and is simply contrary to the facts as already addressed by the Court in its June 29<sup>th</sup> Order. Complaint Counsel seeks the drastic remedy of default because instead of proving its case, as alleged in the Complaint, it would prefer to avoid the proper judicial review of the actual facts, and instead focus on a fabricated discovery dispute.

Notably missing from Complaint Counsel's brief are that (1) Complaint Counsel had several meet and confers where reasonable limitations on discovery were agreed to by Complaint Counsel, while Respondents were represented by counsel; (2) for a period of time, Respondents were not represented by Counsel and during that time period all document requests and requests for information were complied with (*see generally* **Exhibit 1** Declaration of David J. Jeansonne, II dated July 28, 2021 at ¶¶ 6-9); and (3) it was only after Respondents rejected a revised settlement proposal did Complaint Counsel decide to raise unnecessary and onerous discovery demands.

(Exhibit 1 at ¶¶ 14-16). Moreover, as to Count One, Complaint Counsel has all documents and information maintained by Respondents. (Exhibit 1 at ¶ 20).

During that period of time in which Respondents were represented, the parties met and conferred on multiple occasions to come to reasonable agreements on the production of documents. This is evidenced in **Exhibit 2**, a November 6, 2020 email summarizing a lengthy and detailed meet and confer and the agreements reached therein, including a limitation on the time period of responsive documents. Further discussions about discovery ensued, and while represented, Respondents were complying with discovery requirements. See **Exhibit 3**, November 13, 2020 Email. This eventually led to an agreement about a limited set of documents responsive to the Requests for Production to help “evaluate” settlement, and also acknowledged that Respondents would satisfy their discovery obligations by making ESI available for review. See Exhibit 3. Complaint Counsel then took that information and issued numerous third party subpoenas to Traffic Jam’s clients, which negatively impacted Traffic Jam’s business. (Exhibit 1 at ¶ 8). Nonetheless, through this process, Complaint Counsel collected hundreds of advertisements and materials regarding all of Traffic Jam’s business, many of which were used in the only two depositions that Complaint Counsel has taken in this case.

The current motion is Complaint Counsel’s second “motion for sanctions.” The resulting order from the first motion set forth some specific obligations of Respondents, which Respondents have met, and which Complaint Counsel does not adequately address in its motion. The Court’s Order of June 29 required, *inter alia*, that Respondents “shall act promptly and cooperate fully and diligently in completing their discovery obligations.” Since the June 29 Order, the following has been completed:

- Complaint Counsel demanded sworn answers to Interrogatories, despite the fact that Complaint Counsel had already deposed Mr. Jeansonne on the same topics. On July 13, 2021, Respondents provided sworn and complete answers to the Interrogatories. (**Exhibit 4**, Respondents Answers to First Set of Interrogatories).
- Although not requested, on July 16, 2021, Respondent Traffic Jam submitted its sworn responses to the Second Set of Interrogatories. (See **Exhibit 5**).
- Previously, Respondents field and submitted their Responses to First Set of Requests for Admissions, and, after a lengthy discovery conference about the sufficiency of these answers, filed Amended Responses to First Set of Requests for Admission on July 8, as agreed during the discovery conference. (**Exhibits 6 and 7**). Respondents further received a second set of Requests for Admission (numbering 33 through 61) that were timely responded to on July 6, 2021. (**Exhibit 8**).
- On July 26, 2021, Respondents timely responded to Complaint Counsel's Third Set of Requests for Admission. (**Exhibit 9**).

With respect to documents, Respondents previously produced over two years of sales data and client lists as requested by Complaint Counsel and fully complied with all requests for data prior to the case being removed from adjudicative status. (Exhibit 1 at ¶¶ 6-8). Due to the fact that Traffic Jam no longer has any employees, once this case returned to adjudicative status, Respondents agreed to make its offices and all ESI available for review and inspection by Complaint Counsel. (See Exhibit 1 at ¶ 15).

Initially, Complaint Counsel agreed to this proposal as satisfying Respondents' discovery obligation. (**Exhibit 10**, July 13, 2021 Email to M. Tankersley). As noted in the June 29 Order,

“[i]t appears that the parties have made progress with establishing an ESI protocol for inspection of all Respondents’ responsive documents.” Rather than pursue the inspection of ESI, CC then took the position after the Court’s statement, and CC’s agreement to access ESI, that Respondents were required to identify and produce documents, and could not satisfy the discovery obligation by providing access to ESI as previously agreed. (**Exhibit 11**, July 7 Email of M. Tankersley and response). Counsel immediately responded that it would continue to make the ESI available. On July 12<sup>th</sup>, after days of back and forth about ESI, Counsel for Respondents sent an email summarizing CC’s retraction of its agreement to access ESI, and offering one last protocol to preserve attorney client privilege. (**Exhibit 12**, July 12 Email to FTC Counsel). Complaint Counsel provided no response and never initiated a process to acquire the ESI for review and inspection.

Complaint Counsel’s motion is filled with irrelevant facts and baseless accusations, including lawsuits that have nothing to do with any issues in this case and include a dispute with a former girlfriend. Complaint Counsel further makes the unfounded assertion that Respondents “threatened dealerships.” Why this is relevant to discovery in this case – other than a blatant attempt to debase and slander Respondents – is never explained. The Motion contains no actual evidence of how Respondents have impeded Complaint Counsel’s efforts at discovery. Based on the information provided already, Complaint Counsel has issued no less than 23 third party subpoenas to clients of Traffic Jam. Complaint Counsel has been free, at any time prior to December 28, 2020 and any time after May 3, 2021 to depose anyone it wants. Notably, Complaint Counsel has only noticed and taken two depositions within the July 16 discovery deadline: Mr. Jeansonne and Mr. William Lilley, a former employee. Nothing Respondents have allegedly not provided prevented Complaint Counsel from taking more depositions. Similarly,

nothing has prevented Complaint Counsel from timely issuing subpoenas to any third party it thinks has relevant information.

### LAW AND ARGUMENT

The crux of this Motion appears to be the allegation that sanctions are warranted because Respondents have failed to produce documents responsive to Complaint Counsel’s RFPs. This is not a true statement. As evidenced by the Declaration of Mr. Jeansonne – Exhibit 1 – any time that documents were requested by Complaint Counsel, they were provided. Respondents produced numerous documents as requested by Complaint Counsel. (Exh. 1 at ¶¶ 6-8). Further, with respect to the allegations in Count 1, Complaint Counsel has in their possession all documents relating to those allegations. (Exhibit 1 at ¶ 20). Thus, there are simply no other documents pertaining to Count One in the possession of Respondents, a fact that strongly suggests that the motives for the filing of this motion is something other than “discovery.”

With respect to other document, once this case returned to adjudicative status, Respondents advised Complaint Counsel that its offices and ESI would be available for collection at a mutually agreeable time and place. Complaint Counsel agreed to this protocol as responsive. (Exhibit 10). Notably, this protocol was also agreed to in the context of the November 2020 discussions that occurred prior to the case being removed from adjudicative status. (*See generally*, Exhibits 2 and 3). The only thing that has changed from then to now is that Complaint Counsel has decided to change its mind, and instead of obtaining additional documents that do not support their allegations in the Complaint, they want to try to win the case through default.

Complaint Counsel decided not to pursue collection of ESI. Respondents have the option, pursuant to Rule 3.37 to “make documents available as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.” *See also* Rule

3.35. The documents and information requested by Complaint Counsel is stored by a third-party vendor, not by Respondents, and the quickest, most efficient way to give Complaint Counsel whatever they wanted was to provide access the ESI, which Respondent did. Complaint Counsel decided not to pursue the discovery and wants to pretend that the months of negotiations over ESI production did not happen.

Complaint Counsel cannot point to single, discreet set of documents or information that they do not have that “prejudices” their case. Moreover, the June 29 Order already fashioned any relief in the form of sanctions for improperly withheld or undisclosed documents:

**(2) Respondents may not introduce into evidence or otherwise rely, in support of any claim or defense, upon any improperly withheld or undisclosed materials, witnesses, or other discovery.**

**(3) Respondents are precluded from objecting to the introduction and use of secondary evidence by Complaint Counsel to show what any withheld admission, testimony, documents, or other evidence would have shown, with regard to Respondents’ existence, composition, or acts and practices challenged by the Complaint in this matter.**

(June 29 Order). There is no “violation” of the June 29 Order because the June 29<sup>th</sup> Order did not hold that Respondents could not satisfy their document production obligation through providing ESI. To the contrary, the June 29 Order specifically mentioned the progress made in that regard, which Respondents attempted to fulfill, as evidenced in the Sworn Declaration of Mr. Jeansonne.

With respect to Interrogatories, once the July 13 Sworn Answers were given, Respondents were never advised of any deficiencies. Curiously absent from the Motion is any deposition testimony supporting the assertion that Mr. Jeansonne did not recall things at his deposition. At the time of the deposition, Complaint Counsel had thousands upon thousands of documents culled from the 23 third party subpoenas, had all information relating to Count One, and was free to ask whatever questions necessary. There was no stonewalling of any questions, and Mr. Jeansonne

testified honestly, candidly, and with recollection as to virtually all of counsel’s question. Complaint Counsel’s lack of citation to any memory lapses during this deposition is telling, and if Respondents had a copy of this transcript they would provide it to the Court. Complaint Counsel argues that the “new” failure to comply with the June 29 Order prevented Complaint Counsel from taking an adequate deposition noticed seven days before the Order, on June 22. If Complaint Counsel felt that it did not have documents to “confront” Mr. Jeansonne with, why was Mr. Jeansonne deposed for seven hours on the very issues cited in the Complaint?

Complaint Counsel also cites a single example of alleged prejudice, citing to a subpoena response from DealerApps. This is a third party who Complaint Counsel was free to subpoena at any time. Complaint Counsel issued that subpoena on June 11, 2021, before even taking the deposition of Mr. Jeansonne on June 22. Complaint Counsel now complains that DealerApps (a third party) did not preserve documents and that Complaint Counsel is somehow prejudiced. Putting aside the lack of any connection or explanation to the advertisements at issue, there was nothing at all preventing Complaint Counsel from issuing a subpoena to this third party one year ago (or even before) to “preserve” any documents. This example provides no support for the sanctions requested and is not “prejudice” caused by Respondents; rather, any prejudice was from Complaint Counsel’s failure to issue a subpoena earlier.

The assertion that Respondents have not provided “basic details” for the collection of ESI is simply wrong. Respondents identified the provider – Mindshift – during a discovery conference with Complaint Counsel. (Exhibit 1 at ¶ 17).<sup>1</sup> Respondents further identified that this company

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<sup>1</sup> Complaint Counsel is fully aware that the “Mindset” identified in Exhibit A to Complaint Counsel’s motion was a typographical error. During a discovery call with Mr. Jeansonne, the vendor was identified as Mindshift. Had the parties progressed to the stage of actually collecting ESI – as offered multiple times – this typographical error would have been discovered.

housed all of Respondents email and documentation associated therewith and that this was the primary means of communication and document generation. Complaint Counsel simply refused any engagement on collecting this information.

### CONCLUSION

Contrary to the assertions by Complaint Counsel, Respondents have not nor do they intend on “abusing” the administrative process. To the contrary, Respondents were willing to give Complaint Counsel all documents because the simple fact is that the “acts and practices” alleged in the Complaint are not borne out by any documents. Complaint Counsel has all document pertaining to Count One, has thousands of documents relating to Counts Two and Three, but wants to create discovery sideshow to hide the shortcomings in its own case.

For these reasons, this Court should deny the Motion for Sanctions. The Court has already fashioned appropriate relief for whatever realm of impermissibly withheld or non-disclosed documents exist (which, given all that has been produced and the voluminous subpoenas in this case is non-existent)

July 28, 2021

Respectfully submitted,

*/s/ L. Etienne Balart*

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



**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 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  
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

*Complaint Counsel*

*/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, and I offer this Declaration on behalf of Traffic Jam Events, LLC, and as an individual.
3. I have reviewed Complaint Counsel’s Motion for Sanctions (the “Motion”).
4. That Motion contains a number of factual inaccuracies and omits numerous material facts.
5. In late November of 2020, faced with mounting legal bills concerning this matter, I directed my then counsel to withdraw from defending Respondents. A copy of the November 23, 2020 email I sent to my counsel is attached as **Exhibit 1-A**.
6. Thereafter, I began direct discussions with Complaint Counsel through Mr. Thomas Widor and Ms. Sanya Shahrabi. These discussion began in November of 2020, and included discussion with both individuals where they requested information in the form of documents that was supplied and never not produced. Each time Mr. Widor requested documents, we provided him with that we asked for and never refused to produce anything.
7. During this process, Mr. Widor assured me this was for the purposes of helping him to evaluate settlement, but also that these documents were “relevant” to the Complaint. I never refused to produce anything that he asked for.

8. Shortly after I gave Mr. Widor this information, he sent a number of subpoenas to all of my customers – based on the information that was provided. Once my customers received subpoenas, they essentially discontinued doing business with me.
9. Specifically, Mr. Widor told me that he needed these documents to calculate a “monetary penalty” for my alleged violations of the FTC Act, as evidenced in the Nov. 25, 2020 email from Mr. Widor attached as **Exhibit 1-B**. Additional discussions ensued, as shown in the December 15, 2020 email exchange attached as **Exhibit 1-C**.
10. This process led to an agreed Consent Order that I signed on behalf of both Respondents.
11. The case was removed from adjudication on December 28, 2020.
12. The case was returned to adjudicative status in May of 2021. At that time, Mr. Widor and Ms. Shahrabi advised me that the Commission had rejected the proposed settlement and wanted to eliminate the monetary component.
13. Complaint Counsel then sent me another proposed Consent Order, removing any financial component and including a broader ban on activity. During the various discussions about this proposal, I informed both Mr. Widor and Ms. Shahrabi that the FTC matter had destroyed my business, that several employees had left and that I did not have the personnel to continue to produce documents.
14. In late May of 2021, I rehired my counsel to advise on settlement discussion, as evidenced in the May 24, 2021 email attached as **Exhibit 1-D**.
15. I offered to Mr. Widor the opportunity to come and inspect my offices for any documents he needed or through relevant, and, additionally, told him I would provide him with access to any electronically stored information. At no time have I tried to hide documents or refuse to produce anything. As I simply explained to him, due in large part to the ongoing investigation all Traffic Jam employees **quit**, and I personally do not know how to access information and respond to confusing legal requests.
16. Settlement discussions with Mr. Widor failed on May 28, 2021, at which time I requested counsel to reappear on my behalf.
17. I was asked by Mr. Widor to identify the custodian of Traffic Jam’s electronically stored information (“ESI”), and provided that information to Mr. Widor as requested. Specifically, I identified “Mindshift” as the data company housing ESI, yet Mr. Widor never actually acquired this information, nor did he send a subpoena to Mindshift, as he previously had done with all of my customers.
18. I further understand that my counsel proposed the ability for Complaint Counsel to assemble and collect all ESI in response to the document requests, but that Complaint Counsel never actually did this.

19. Traffic Jam currently has no employees or staff do locate and provide information. Traffic Jam has not engaged in business in months, and has no current sales or business.
20. Complaint Counsel has, in their possession, and in documents that my counsel has provided to Complaint Counsel, **all documents** pertaining to Count 1 of the Complaint.
21. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of July, 2021.



DAVID J. JEANSONNE, II

**Brickman, Jennifer**

---

**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 3:24 PM  
**To:** Brickman, Jennifer  
**Subject:** FW: [EXTERNAL] FTC

**Importance:** High

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Balart, Etienne  
**Sent:** Monday, November 23, 2020 11:50 AM  
**To:** 'Widor, Thomas' <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>  
**Subject:** FW: [EXTERNAL] FTC  
**Importance:** High

Tom,

I am sending this directly to you, but appreciate that it is being done in connection with our ongoing direct negotiations and will not be used to advance a waiver argument. I just think that under the circumstances it is easier for me to send this to you. We are going to be looking into the mechanics of withdrawing this week but I am in a depo all day today. We will try to get something on file ASAP. I am happy to forward David's contact information for you.

Etienne

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Monday, November 23, 2020 11:37 AM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Subject:** [EXTERNAL] FTC

Etienne,

As I told you over and over again, I simply cannot continue on this path. I have drained the company's resources. Business is cratering after FTC harassing my clients with Subpoenas.

I have thought long and hard about this. I am tapping out, I told you this last week, apparently it's out of your hands. Well, now it's really out of your hands.

I need you to advise me what to do when representing myself as it looks like this is going to just drag out. Let me know ASAP when you get this as to what needs to happen for me to take over the FTC matter. Please close out the Florida AG action tomorrow.

**David Jeansonne**  
**President**

**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.google.com/maps/place/2232+Idaho+Ave,+Kenner,+LA+70062)

e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)

w: [trafficjamevents.com](https://www.trafficjamevents.com)

m: [504-628-3339](tel:5046283339)

p: [800-922-8109 ext. 201](tel:8009228109)

"We Only Live Once.....But If Done Right, Once Is Enough!!"

**Brickman, Jennifer**

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**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 11:47 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: Docket No. 9395, In re Traffic Jam Events, LLC et al.

**Categories:** Printed

**L. Etienne Balart** | Partner  
 Jones Walker LLP  
 D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

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**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Wednesday, November 25, 2020 12:53 PM  
**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>  
**Subject:** [EXTERNAL] RE: Docket No. 9395, In re Traffic Jam Events, LLC et al.

Mr. Jeansonne,

We are available to speak today until about 3pm CST. There is outstanding discovery, including requests for production and interrogatory responses, to which we will need a response. We also are happy to discuss potential settlement negotiations. We do need additional information to evaluate and propose a settlement that we believe we can justify to our management and that we believe the Commission will approve. We previously shared those requests, including the need for the actual advertisements and information about consumer response, such as sales logs.

Please let us know if you would like to have a call today. I can open my line at 2pm CST/3pm EST:

Call in: (877) 336-1839, Access Code: 9012655

Tom W.

Thomas J. Widor  
 Attorney, Division of Financial Practices  
 Bureau of Consumer Protection  
 Federal Trade Commission  
 600 Pennsylvania Avenue, NW  
 Mail Stop: CC-10232  
 Washington, DC 20580  
 Phone: (202) 326-3039  
 Fax: (202) 326-3768  
[twidor@ftc.gov](mailto:twidor@ftc.gov)

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**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Wednesday, November 25, 2020 12:01 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Brickman, Jennifer

**Subject:** Re: Docket No. 9395, In re Traffic Jam Events, LLC et al.

If the plan is to send me more emails to ask for more documents, save it. I tapped out.  
I am will big to speak with Tom, but I have exhausted my resources and will not be doing anymore of that.

**David Jeansonne**  
**President**  
**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.google.com/maps/place/2232+Idaho+Ave,+Kenner,+LA+70062)  
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w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is Enough!!!"

On Nov 25, 2020, at 10:37 AM, Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)> wrote:

Tom and Sanya,

Further to our call this morning, David Jeansonne has authorized us to provide you with his personal contact information. He is expecting your call today, and as his currently enrolled counsel, we grant permission for you all to have this conversation with him directly. If David feels that he needs to get me on the line, he will do so. We will be working on a motion to withdraw to be filed Monday. In the interim, we would like to confirm an extension of time to respond to the Interrogatories propounded on Respondents until Tuesday, December 1. David does have your email about documents from last week. If I missed anything in this email, please let me know. You can use this email to schedule a call with David today, as he is at home with COVID and would like to have somebody in the office attend.

David's direct line is 504-628-3339.

**L. Etienne Balart** | Partner  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

<[image001.png](#)>  
<[image002.png](#)>

<[image003.png](#)>

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](https://www.joneswalker.com)



## Brickman, Jennifer

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**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 11:48 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: [EXTERNAL] Re: Phone Call

**Categories:** Printed

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Tuesday, December 15, 2020 2:57 PM  
**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>  
**Subject:** RE: [EXTERNAL] Re: Phone Call

Sorry, I was trying to be careful until the judge rules. Also, can we push back 15 minutes to 4:15? I am currently on a call that is likely going to go over.

Thank you,

Tom W.

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**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Tuesday, December 15, 2020 3:43 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>  
**Subject:** Re: [EXTERNAL] Re: Phone Call

Ohhhh, Meaning once the Judge signs it. Got it. I get confused with these lawyer games.  
Ok thanks

**David Jeansonne**  
**President**  
**Traffic Jam Events™**  
a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)  
e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)  
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m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109](tel:800-922-8109) ext. 201

"We Only Live Once.....But If Done Right, Once Is Enough!!"

On Dec 15, 2020, at 2:37 PM, Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)> wrote:

David, a technicality and requirement ethically as to lawyers. Tom and Sayna are not supposed to talk to a represented (which you currently are until the order is granted) party without my consent. I was simply providing the consent so the call could proceed.

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

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**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Tuesday, December 15, 2020 2:31 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>  
**Subject:** Re: [EXTERNAL] Re: Phone Call

Consent?? I'm confused, Etienne, you drafted to withdraw. Why are you still participating???

**David Jeansonne**  
**President**  
**Traffic Jam Events™**  
a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)  
e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)  
w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is Enough!!"

On Dec 15, 2020, at 2:28 PM, Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)> wrote:

I will not be participating in the call, and consent to Tom/Sanya speaking directly with David.

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

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Tuesday, December 15, 2020 2:15 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>; Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Subject:** [EXTERNAL] Re: Phone Call

I understand you can do what you do, but Etienne is no longer involved.

**David Jeansonne**  
**President**

**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)

e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)

w: [trafficjamevents.com](https://www.trafficjamevents.com)

m: [504-628-3339](tel:504-628-3339)

p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is Enough!!"

On Dec 15, 2020, at 1:56 PM, Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)> wrote:

I'll open the line in about an hour. Until the Court has ruled on the motion, I'm also copying counsel for now.

Tom W.

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Tuesday, December 15, 2020 2:53 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>  
**Subject:** Re: Phone Call

Yes, that will work.

**David Jeansonne**  
**President**

**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)

e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)

w: [trafficjamevents.com](https://www.trafficjamevents.com)

m: [504-628-3339](tel:504-628-3339)

p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is Enough!!"

On Dec 15, 2020, at 1:26 PM, Widor, Thomas  
<[twidor@ftc.gov](mailto:twidor@ftc.gov)> wrote:

Mr. Jeansonne,

Sanya and I can be available at 4pm EST/3pm CST. Let us know if that works, and we can use the following call-in:

Call in: (877) 336-1839, Access Code: 9012655

Tom W.

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Tuesday, December 15, 2020 1:31 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Cc:** Chad Bullock <[chadb@trafficjamevents.com](mailto:chadb@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>  
**Subject:** Phone Call

Tom,

Do you and Sanya (if needed) have time to get on a quick call anytime today?

**David Jeansonne**

**President**

**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)

e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)

w: [trafficjamevents.com](https://www.trafficjamevents.com)

m: [504-628-3339](tel:504-628-3339)

p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is  
Enough!!"

## Brickman, Jennifer

---

**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 11:57 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: Moving forward

**Categories:** Printed

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Monday, May 24, 2021 11:41 AM  
**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Subject:** [EXTERNAL] RE: Moving forward

David,

Ethically, we cannot continue speaking with you to the extent Etienne is representing you with respect to settlement. Under the Rules, we will need his authorization.

Tom

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Monday, May 24, 2021 12:31 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>; Etienne Balart <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Subject:** Re: Moving forward

Tom,

I think it would be most efficient for us to have a 20-day standstill while I get up to speed and continue to press a possible settlement. I am not even up to speed yet on the outstanding discovery and what has/has not been produced. Let me know your thoughts ASAP.

**David Jeansonne**  
**President**  
**Traffic Jam Events™**

a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)  
e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)  
w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109](tel:800-922-8109) ext. 201

"We Only Live Once.....But If Done Right, Once Is Enough!!!"

On May 24, 2021, at 10:44 AM, Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)> wrote:

Thanks David. With Etienne on as counsel, we will need permission from him on how and with who to communicate. We have an update from the Bureau on some language to address your issue and can be available for a call today.

Tom

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Monday, May 24, 2021 11:03 AM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; Etienne Balart <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Subject:** Re: Moving forward

I'm not sure what all of this means.  
I am officially bringing Etienne back in just for the purpose of advising throughout the the signature process.

**David Jeansonne**  
**President**  
**Traffic Jam Events™**  
a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)  
e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)  
w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109](tel:800-922-8109) ext. 201

"We Only Live Once.....But If Done Right, Once Is Enough!!!"

On May 24, 2021, at 9:54 AM, Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)> wrote:

David,

We're waiting to hear back from the Bureau as to any options to address your concern. We had previously discussed that we can't agree to postdate the agreement. I was hoping we would have some guidance by this morning. We'll reach out as soon as we do.

Without a signed agreement and if we can't negotiate any additional production on the outstanding discovery, we will need to file a motion with the Court by Wednesday of this week.

Tom

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Monday, May 24, 2021 10:29 AM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Subject:** Moving forward

Is there anything else I should be doing other than waiting for this last customer's contract to play out?

**David Jeansonne**  
**President**  
**Traffic Jam Events™**  
a: [2232 Idaho Ave. | Kenner, LA 70062](https://www.trafficjamevents.com)  
e: [david@trafficjamevents.com](mailto:david@trafficjamevents.com)  
w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109 ext. 201](tel:800-922-8109)

"We Only Live Once.....But If Done Right, Once Is Enough!!"



**Brickman, Jennifer**

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**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 11:08 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up  
**Categories:** Printed

**L. Etienne Balart** | Partner  
 Jones Walker LLP  
 D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Friday, November 6, 2020 3:32 PM  
**To:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Cc:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>  
**Subject:** [EXTERNAL] RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

Thank you Taylor. We will review although that likely won't be possible until Monday. We have confirmed that our lit support people are available on Tuesday afternoon to discuss the ESI issues.

Would 1pm CST on Tuesday work for you?

Tom W.

-----Original Message-----

**From:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>  
**Sent:** Friday, November 6, 2020 4:21 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Cc:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>  
**Subject:** In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All,

I am writing to confirm our discussions and the agreements reached during the meet and confer telephone calls on November 4 and 5. Please see below:

RFP NO. 1: Counsel initially agreed to provide a listing of all jobs and solicitation for work, and, if possible, identify the type of Mailer. After further discussion with the client, Respondents are not able to provide this type of job log without extremely burdensome costs. Respondents are, however, able to provide a list of all dealerships with whom Respondents have communicated and solicited jobs over the last 6 years.

RFP NO. 2: See response to RFP NO. 1.

RFP NO. 3: Respondents plan to supplement RFP. NO 3 with any documents they might have in their

RFP NO. 4: Same objection as stated in Respondents' Responses to Complaint Counsel's First Set of Requests for Production of Documents.

RFP NO 5: Respondents will collect and produce all the metadata from their hard drive so that Complaint Counsel may review and formulate targeted search terms, provided that the parties can agree on costs and burden and on a reasonable protocol.

RFP NO 6: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 7: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 8: Counsel will confer with Respondents regarding their knowledge of myprizestatus.com and whether they can produce any documents to show any relationship to the domain name myprizestatus.com. If such documents exist, Respondents will provide this information with respect to the sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 9: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 10: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 11: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 12: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 13: Counsel will confirm that Respondents do not have a consumer protection manual.

RFP NO. 14: Respondents are not aware of any other complaints, other than the Kansas and Indiana lawsuits cited in the Complaint.

RFP NO. 15: Counsel will confirm that no discovery took place in either the Kansas proceeding or the Indiana proceeding.

RFP NO. 16: Counsel still needs to meet and confer on RFP NO. 16.

If this summary does not reflect your understanding, please let us know.

Sincerely,

Taylor K. Wimberly | Associate  
D: 504.582.8642

[<https://i.xink.io/Images/Get/J438/l21.png>]

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
joneswalker.com<<http://www.joneswalker.com/>>

**Brickman, Jennifer**

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**From:** Balart, Etienne  
**Sent:** Wednesday, July 28, 2021 11:10 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up  
**Attachments:** sales log updated 6\_2019 (1).xlsx; C00075 New Wave Bushnell D2 03.28.20 work order.pdf; A&D Response - 010.pdf

**Categories:** Saved to T:Drive or E:Drive, Printed

**L. Etienne Balart** | Partner  
 Jones Walker LLP  
 D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Widor, Thomas <twidor@ftc.gov>  
**Sent:** Friday, November 13, 2020 4:36 PM  
**To:** Wimberly, Taylor <twimberly@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>  
**Cc:** Balart, Etienne <ebalart@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; Broadwell, Eleni <ebroadwell@ftc.gov>  
**Subject:** [EXTERNAL] RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All, thanks for the participating in the meet and confer call this morning. I've attached the three types of documents that would be responsive to the documents requests and assist in our evaluation of a potential settlement: (1) work orders, (2) invoices, and (3) sales logs. For now, we are willing to accept documents for the last 18 months although we reserve the right to seek additional information for the relevant time period.

I've attached examples. We look forward to connecting again on Monday at 2pm CST.

Tom W.

-----Original Message-----

**From:** Widor, Thomas  
**Sent:** Friday, November 13, 2020 10:33 AM  
**To:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Cc:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>  
**Subject:** RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All, attached is a general vendor overview of the early case assessment tool for the meet and confer shortly. I'll open my line in about 30 minutes:

Call in: (877) 336-1839, Access Code: 9012655

Tom W.

-----Original Message-----

From: Widor, Thomas

Sent: Tuesday, November 10, 2020 4:18 PM

To: 'Wimberly, Taylor' <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

Cc: 'Balart, Etienne' <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; 'Brickman, Jennifer' <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;

Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

Subject: RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All,

How does Thursday at 10am CST work to reschedule the meet and confer? I've confirmed with my team, and we can use my call-in number.

Tom

-----Original Message-----

From: Widor, Thomas

Sent: Tuesday, November 10, 2020 9:52 AM

To: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

Cc: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;

Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

Subject: RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All,

I wanted to confirm that we are on for two calls today at 10am CST and 4pm CST to discuss settlement and the meet and confer respectively. We can use my call-in number for both unless you prefer to circulate one:

Call in: (877) 336-1839, Access Code: 9012655

Tom

-----Original Message-----

From: Widor, Thomas

Sent: Monday, November 9, 2020 9:09 AM

To: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

Cc: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;

Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

Subject: RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

Taylor, our team is available at 4pm CST on Tuesday to continue the meet and confer. We'll have our lit support personnel to help with the ESI discussion.

Tom

-----Original Message-----

From: Widor, Thomas

Sent: Friday, November 6, 2020 4:47 PM

To: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

Cc: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;

Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

Subject: RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

I'll poll the team, and we'll get back to you.

-----Original Message-----

From: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>  
 Sent: Friday, November 6, 2020 4:41 PM  
 To: Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
 Cc: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;  
 Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>  
 Subject: Re: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

Etienne is tied up until 4PM CST Tuesday. Would that work?

Thanks.

---

From: Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
 Sent: Friday, November 6, 2020 3:31:59 PM  
 To: Wimberly, Taylor; Shahrabi, Sanya  
 Cc: Balart, Etienne; Brickman, Jennifer; Broadwell, Eleni  
 Subject: [EXTERNAL] RE: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

Thank you Taylor. We will review although that likely won't be possible until Monday. We have confirmed that our lit support people are available on Tuesday afternoon to discuss the ESI issues.

Would 1pm CST on Tuesday work for you?

Tom W.

-----Original Message-----

From: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>  
 Sent: Friday, November 6, 2020 4:21 PM  
 To: Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
 Cc: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>  
 Subject: In re Traffic Jam Events, LLC et al; Docket No. 9395 -- Meet and Confer Follow-Up

All,

I am writing to confirm our discussions and the agreements reached during the meet and confer telephone calls on November 4 and 5. Please see below:

RFP NO. 1: Counsel initially agreed to provide a listing of all jobs and solicitation for work, and, if possible, identify the type of Mailer. After further discussion with the client, Respondents are not able to provide this type of job log without extremely burdensome costs. Respondents are, however, able to provide a list of all dealerships with whom Respondents have communicated and solicited jobs over the last 6 years.

RFP NO. 2: See response to RFP NO. 1.

RFP NO. 3: Respondents plan to supplement RFP. NO 3 with any documents they might have in their possession, custody or control that contain information regarding the corporate structures of Platinum Plus and Traffic Jam Events.

RFP NO. 4: Same objection as stated in Respondents' Responses to Complaint Counsel's First Set of Requests for Production of Documents.

RFP NO 5: Respondents will collect and produce all the metadata from their hard drive so that Complaint Counsel may review and formulate targeted search terms, provided that the parties can agree on costs and burden and on a reasonable protocol.

RFP NO 6: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 7: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 8: Counsel will confer with Respondents regarding their knowledge of myprizestatus.com and whether they can produce any documents to show any relationship to the domain name myprizestatus.com. If such documents exist, Respondents will provide this information with respect to the sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 9: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 10: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 11: Counsel will provide this information with respect to sales cited in the Administrative Complaint, not subject to any waiver of Complaint Counsel's right to request supplementation at a later date.

RFP NO. 12: This documentation has been provided. Complaint Counsel may ask for supplementation at later date.

RFP NO. 13: Counsel will confirm that Respondents do not have a consumer protection manual.

RFP NO. 14: Respondents are not aware of any other complaints, other than the Kansas and Indiana lawsuits cited in the Complaint.

RFP NO. 15: Counsel will confirm that no discovery took place in either the Kansas proceeding or the Indiana proceeding.

RFP NO. 16: Counsel still needs to meet and confer on RFP NO. 16.

If this summary does not reflect your understanding, please let us know.

Sincerely,

Taylor K. Wimberly | Associate

D: 504.582.8642

[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)<mailto:twimberly@joneswalker.com>

[<https://i.xink.io/Images/Get/J438/121.png><<https://i.xink.io/Images/Get/J438/121.png>>]

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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

**RESPONDENT'S ANSWERS TO COMPLAINT COUNSEL'S FIRST SET OF INTERROGATORIES**

Respondent, Traffic Jam Events, LLC's ("TJE"), files its responses to Complaint Counsel, Federal Trade Commissions' ("FTC") Interrogatories and states:

**INTERROGATORY NO. 1:**

**Describe in Detail** the relationship between **You** and **Individual Respondent**, including his positions, titles, roles, and responsibilities for or on **Your** behalf.

**ANSWER TO INTERROGATORY NO. 1:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term "Describe in Detail" refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Subject to these objections, Respondents state that Individual Respondent is the sole owner of Traffic Jam Events LLC and holds the title of President. Individual Respondent's duties and responsibilities, as that phrase is understood by Respondent, are as more fully described in the deposition of David Jeansonne.*

**INTERROGATORY NO. 2:**

**Describe in Detail** the relationship between **You** and **Platinum Plus Printing**, and **Identify** each of **Your** officers, managers, employees, or agents who are also officers, managers, employees, or agents of **Platinum Plus Printing**.

**ANSWER TO INTERROGATORY NO. 2:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term “Describe in Detail” refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Subject to these objections, Respondents state that Platinum Plus Printing is used to provide printing and related services, and that the remaining portion of this question has been more fully described in the deposition of David Jeansonne.*

**INTERROGATORY NO. 3:**

**Identify and Describe in Detail** the role of each third party or agent used by **You** relating to each product or service, including any **Advertisement** and **Promotional Material**, that **You** offer.

**ANSWER TO INTERROGATORY NO. 3:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term “Describe in Detail” refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Subject to these objections, Respondents state that the Advertisement and Promotional Material is created by agents and third parties as identified in Mr. Jeansonne’s deposition, including the persons listed in Respondent’s Initial Disclosures.*

**INTERROGATORY NO. 4:**

**Identify** all customers, and, for each customer, **Describe in Detail** the specific products and services provided by **You** and the time period, by date, during which **You** provided each specific product or service.

**ANSWER TO INTERROGATORY NO. 4:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term “Describe in Detail” refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Moreover, given the Complaint filed by the FTC, the FTC has defined Traffic Jam’s “customers” as the general public who received advertisements, which is denied. Subject to these objections, Respondents have previously produced listings of all advertisements generated by Traffic Jam for a one year period, in which the “customers” of Traffic Jam are identified. Moreover, as of today, Respondent has zero customers.*

**INTERROGATORY NO. 5:**

For each **Advertisement** and **Promotional Material** involving any prize or giveaway, **Describe in Detail** the manner or method for selecting winners for each prize, including whether the winners are preselected and any pre-requisites or conditions for winning.

**ANSWER TO INTERROGATORY NO. 5:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term “Describe in Detail” refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Moreover, it is impossible for Respondent to give an intelligible response without reference to specific*

*materials, as each mailer or advertisement may give a different manner or method for selecting winners.*

**INTERROGATORY NO. 6:**

**Identify each Person** to whom each **Advertisement** and **Promotional Material** involving any prize or giveaway was disseminated, including the prize each **Person** was selected to win, if any, and whether the **Person** claimed the prize.

**ANSWER TO INTERROGATORY NO. 6:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing and irrelevant, Moreover, the term “Describe in Detail” refers to a time period that is not defined in any of the Interrogatories, rendering the request subject to multiple interpretations. Moreover, it is impossible for Respondent to give an intelligible response without reference to specific materials, as each mailer or advertisement may give a different manner or method for selecting winners. Moreover, since in all instances every person who received a mailer or promotional material “won” a prize, as testified to by William Lilley, Respondent would have go through thousands of documents to assemble a response. Subject to these objections, Respondent refers to the mailing lists which Complaint Counsel possesses.*

July 13, 2021

Respectfully submitted,

*/s/ L. Etienne Balart*

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L. ETIENNE BALART (La. #24951)  
 TAYLOR K. WIMBERLY (La. #38942)  
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 twimberly@joneswalker.com

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

**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 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*

July 13, 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**

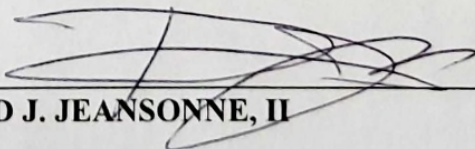
**DAVID J. JEANSONNE II, individually and as an  
officer of TRAFFIC JAM EVENTS, LLC.**

**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, and as an individual.
4. I have reviewed Respondents' Answers to Complaint Counsel's First Set of Interrogatories dated October 26, 2020, 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 13th day of July, 2021.

  
\_\_\_\_\_  
**DAVID J. JEANSONNE, II**

**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**

**RESPONDENT’S ANSWERS TO COMPLAINT COUNSEL’S SECOND SET OF INTERROGATORIES**

Respondent, Traffic Jam Events, LLC’s (“TJE”), files its responses to Complaint Counsel, Federal Trade Commissions’ (“FTC”) Second Set of Interrogatories and states:

**INTERROGATORY NO. 1:**

**Describe in detail** the efforts undertaken by **Traffic Jam Events** and **Individual Respondent** to preserve or collect relevant information relating to the allegations in the complaint issued on August 7, 2020 in In re Traffic Jam Events, LLC, et al., Docket No. 9395 and the complaint filed in FTC v. Traffic Jam Events, LLC, et al., Civil Action No. 2:20-cv-1740 (E.D. La. June 16, 2020), the proposed relief, or any potential defenses, including, but not limited to, (i) any document retention policies or procedures, (ii) implementing a litigation hold, and (iii) the identity of each **Person** that received notice of the litigation hold or duty to preserve, the dates of such notice, and the categories of information covered by the notice.

**ANSWER TO INTERROGATORY NO. 1:**

*Respondent objects to this Interrogatory as vague, ambiguous and confusing. Moreover, the term “Describe in Detail” refers to a time period that is not defined in the Interrogatory,*

*rendering the request subject to multiple interpretations. Subject to these objections, Respondents state that Individual Respondent does not maintain any records concerning the allegations in the Complaint as all such records are created and maintained by Respondent Traffic Jam. Traffic Jam has no formal document retention policy or procedure and relies upon a third party to maintain certain of its electronic data. At no time has Traffic jam, or any of its employees, destroyed any possible relevant information relating to the allegations in the complaint issued on August 7, 2020, or the complaint filed on June 16, 2020.*

July 16, 2021

Respectfully submitted,

*/s/ L. Etienne Balart*

---

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



**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 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*

July 16, 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, and as an individual.
4. I have reviewed Respondents' Answers to Complaint Counsel's Second Set of Interrogatories dated July 16, 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 16<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
**DAVID J. JEANSONNE, II**

**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**

**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.<sup>1</sup>

**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)  
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***Counsel for Respondents, Traffic Jam Events,  
LLC and David J. Jeansonne 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  
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*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  
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' AMENDED  
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 offer the amended responses (amendments in *bold italics*) 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.

*Subject to these objections, David Jeansonne was, at all times noted, the president of Traffic Jam and his authority over the company was as testified to in his deposition.*

**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.

*Subject to these objections, David Jeansonne was, at all times noted, the president of Traffic Jam and his authority over the company was as testified to in his deposition, but he did not have knowledge of every “act or practice” of the company, as more fully set forth and explained in his deposition testimony. Respondents have made reasonable inquiry and that the information known to or readily obtainable by the party, based on the breadth of the request, is insufficient to enable it to admit or deny.*

**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.

*Subject to these objections, and with the qualification agreed by counsel for FTC, this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is, for the past 6 years (July 2015 to July 2021) ADMITTED as to Alabama, Florida, Louisiana, New Hampshire, Tennessee, Texas, and Washington, and DENIED as to Indiana and Kansas.*

**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.

*Subject to these objections, and with the qualification agreed by counsel for FTC, this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is, for the past 6 years (July 2015 to July 2021) ADMITTED as to California and Florida and DENIED as to*

*Virginia.*

**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.

***And further subject to these objections, it is the actual dealers – on whose behalf the advertisements are created by Traffic Jam – who cause or have caused the advertisements to be distributed in the U.S. Mail.***



**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 *to the extent that this request can be construed to mean that Individual Respondent committed this act.*

**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 *to the extent that this request can be construed to mean that Individual Respondent committed this act.*

**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.

*Subject to these objections, and with the qualification agreed by counsel for FTC placing a period after “Mailer,” this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is ADMITTED.*

**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 *to the extent that this request can be construed to mean that Individual Respondent committed this act.*

**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 *to the extent that this request can be construed to mean that Individual Respondent committed this act.*

**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.

*Subject to these objections, and with the qualification agreed by counsel for FTC placing a period after “Mailer,” this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is ADMITTED.*

**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.”

*Subject to these objections, the request is DENIED.*

**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.

*Subject to these objections, the U.S. Government did not authorize, approve nor supervise the Florida Stimulus Mailer automotive sale, and no reasonable consumer would have formed that opinion from any mailer that is the subject of this action.*

**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 *to the extent that this request can be construed to mean that Individual Respondent committed this act.*

**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 *to the extent that*

*this request can be construed to mean that Individual Respondent committed this act.*

**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.

*Subject to these objections, this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is ADMITTED in part regarding the creation of the advertisements – at the request of and approval by the dealers and who also “create” the ads, and DENIED as to “disseminated” as it is the actual dealers who “disseminate” the advertisements. Moreover, Respondents deny that Regulation Z applies to Respondents pursuant to 12 CFR § 1026.1(c).*

**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.

*Subject to these objections, this request is DENIED as to David Jeansonne. As to Traffic Jam, the request is ADMITTED in part regarding the creation of the advertisements – at the request of and approval by the dealers and who also “create” the ads, and DENIED as to “disseminated” as it is the actual dealers who “disseminate” the advertisements. Moreover, Respondents deny that Regulation Z applies to Respondents pursuant to 12 CFR § 1026.1(c).*

July 8, 2021

Respectfully submitted,

*/s/ L. Etienne Balart*

---

L. ETIENNE BALART (La. #24951)  
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*Counsel for Respondents, Traffic Jam Events,  
LLC and David J. Jeansonne II*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 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  
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twidor@ftc.gov  
sshahrabi@ftc.gov

*Complainant Counsel*

July 8, 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

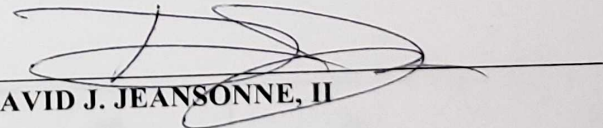
DAVID J. JEANSONNE II, individually and as an officer of TRAFFIC JAM EVENTS, LLC.

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, and as an individual.
4. I have reviewed Respondents' Amended Responses to Complaint Counsel's First Set of Requests for Admissions dated June 23, 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 8th day of July, 2021.

  
DAVID J. JEANSONNE, II

**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' RESPONSES TO SECOND SET OF REQUESTS FOR ADMISSIONS**

**NOW INTO COURT**, through undersigned counsel, come Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne II (collectively, “Respondents”), who respond to the Second Set of Requests for Admissions of the Federal Trade Commission 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.

Respondents also object to the extent that words like “created,” generated,” disseminated” and similar descriptors used by counsel ignore that for all of the advertisements at issue, the

information and data placed in the ads is provided, generated, created and disseminated *by the dealers that hire Traffic Jam for advertising services*. Traffic Jam Events LLC is not a licensed car dealer and does not sell cars.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 33:**

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. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 34:**

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. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 35:**

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. Accordingly, Respondents object to this Request.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 36:**

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. 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. Any advertisements are

disseminated by the automotive dealers identified in the advertisement.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 37:**

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. 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. Traffic Jam further objects to the word “create” as being undefined and subject to multiple interpretations. The advertisements are actually “created” by the dealers – who specify what content they want – and simply “produced” by Traffic Jam.

Subject to these objections, the Request is DENIED insofar as the request states that Traffic Jam disseminated anything. Any and all advertisements are disseminated by the automotive dealers identified in the advertisement. Traffic Jam admits that it created advertisements, as described, on behalf, and at the direction and input of, automotive dealers.

**REQUEST FOR ADMISSION NO. 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.



**ANSWER TO REQUEST FOR ADMISSION NO. 38:**

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. 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. The advertisements are actually “created” by the dealers – who specify what content they want – and simply “produced” by Traffic Jam.

Subject to these objections, the Request is DENIED insofar as the request states that Traffic Jam disseminated anything. Any and all advertisements are disseminated by the automotive dealers identified in the advertisement. Traffic Jam admits that it created advertisements, as described, on behalf, and at the direction and input of, automotive dealers.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 39:**

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. 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 as it implies that Traffic Jam had a legal duty to do so. As more fully described in the deposition of Mr. Jeansonne, the automotive dealerships on whose behalf the advertisements are created and made, and who give the data used in the advertisements, are responsible to review for compliance.

**REQUEST FOR ADMISSION NO. 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.”

**ANSWER TO REQUEST FOR ADMISSION NO. 40:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.”

**ANSWER TO REQUEST FOR ADMISSION NO. 41:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.”

**ANSWER TO REQUEST FOR ADMISSION NO. 42:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.”

**ANSWER TO REQUEST FOR ADMISSION NO. 43:**

This Request is confusing and appears to contain an error preventing Respondents from understanding what is being requested. Subject to further clarification, Respondents will provide a response.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 44:**

This Request is confusing and appears to contain an error preventing Respondents from understanding what is being requested. Subject to further clarification, Respondents will provide a response.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 45:**

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.

To the extent a response is required, it is DENIED as a recipient was entitled to claim a cash prize of \$2500.

**REQUEST FOR ADMISSION NO. 46:**

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

**ANSWER TO REQUEST FOR ADMISSION NO. 46:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 47:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.”

**ANSWER TO REQUEST FOR ADMISSION NO. 48:**

DENIED.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 49:**

DENIED, as a recipient was entitled to claim a cash prize of \$2500.

**REQUEST FOR ADMISSION NO. 50:**

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



**ANSWER TO REQUEST FOR ADMISSION NO. 50:**

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. Respondents do not have personal information as to what the Great Seal of the United States is, but are happy to stipulate to what it is.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 51:**

DENIED. The advertisement was for an event in 2019.

**REQUEST FOR ADMISSION NO. 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**.

**ANSWER TO REQUEST FOR ADMISSION NO. 52:**

DENIED. The advertisement was for an event in 2019.

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 53:**

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

**REQUEST FOR ADMISSION NO. 54:**

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

**ANSWER TO REQUEST FOR ADMISSION NO. 54:**

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

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 55:**

ADMITTED as to Traffic Jam, but DENIED to the extent that the request suggests or implies that the offer was generated by Traffic Jam; DENIED as to Individual Respondent.

**REQUEST FOR ADMISSION NO. 56:**

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

**ANSWER TO REQUEST FOR ADMISSION NO. 56:**

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

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 57:**

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

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 58:**

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

**REQUEST FOR ADMISSION NO. 59:**

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

**ANSWER TO REQUEST FOR ADMISSION NO. 59:**

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

**REQUEST FOR ADMISSION NO. 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.

**ANSWER TO REQUEST FOR ADMISSION NO. 60:**

DENIED, as the ad in question was generated for and on behalf of MK Automotive, Inc. d/b/a New Wave Auto Sales (“New Wave”). Traffic Jam Events LLC is not a licensed car dealer and does not sell cars

**REQUEST FOR ADMISSION NO. 61:**

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

**ANSWER TO REQUEST FOR ADMISSION NO. 61:**

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

July 6, 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  
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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 July 6, 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*

July 6, 2021

*/s/ L. Etienne Balart*  
L. ETIENNE BALART

Sent from my iPhone

Begin forwarded message:

From: "Brickman, Jennifer" <[JBrickman@joneswalker.com](mailto:JBrickman@joneswalker.com)>  
Date: June 21, 2021 at 2:56:51 PM CDT  
To: "Balart, Etienne" <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
Subject: VERIFICATION - For Review

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

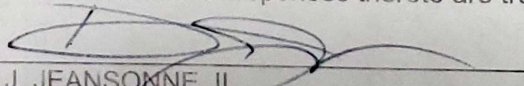
DAVID J. JEANSONNE II, individually and as an officer of TRAFFIC JAM EVENTS, LLC.

DOCKET No. 9395

verification of david j. jeansonne

STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public in and for the Parish and State mentioned above, personally came and appeared DAVID J. JEANSONNE, II individually and as President of TRAFFIC JAM EVENTS, LLC, who declares that he has read the Request for Admissions propounded by FEDERAL TRADE COMMISSION, and that all of the answers contained in the responses thereto are true and correct to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
DAVID J. JEANSONNE, II  
President of Traffic Jam Events, LLC

**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' RESPONSES TO THIRD SET  
OF REQUESTS FOR ADMISSIONS**

**NOW INTO COURT**, through undersigned counsel, come Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne II (collectively, “Respondents”), who respond to the Third Set of Requests for Admissions of the Federal Trade Commission as follows:

**General Objections**

Respondent Traffic Jam generally objects to these Requests to the extent that Complainant seeks information relating to settlements that are inadmissible under the Federal Rules of Evidence.

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

**REQUEST FOR ADMISSION NO. 62:**

Exhibit F to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action is (1) a copy of the 2010 journal entry of consent judgment in *State of Kansas v. Traffic Jam Events, LLC*, Case No. 10-C-1278 (Ks. Dist. Ct., Shawnee Cty) and a (2) a copy of the 2013 journal entry of consent judgment

in *State of Kansas v. Traffic Jam Events, LLC*, Case No. 12-CV-8191 (Ks. Dist. Ct., Johnson Cty).

**ANSWER TO REQUEST FOR ADMISSION NO. 62:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence. As stated in the documents cited, the consent judgments both explicitly state that they are not to be used as an admission of any violation of law, and further that the named defendants denied any and all liability. Accordingly, under FRE 408, this evidence is not admissible. Subject to these objections, admitted that the referenced documents are copies of what is identified therein.*

**REQUEST FOR ADMISSION NO. 63:**

Respondent Traffic Jam Events, LLC approved the 2010 journal entry of consent judgment in *State of Kansas v. Traffic Jam Events, LLC*, Case No. 10-C-1278 (Ks. Dist. Ct., Shawnee Cty).

**ANSWER TO REQUEST FOR ADMISSION NO. 63:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence, and the term “approved” is not defined and subject to multiple interpretations. As stated in the documents cited, the consent judgment*

*explicitly states that is not to be used as an admission of any violation of law, and further that the named defendants denied any and all liability. Accordingly, under FRE 408, this evidence is not admissible. Subject to these objections, admitted that the referenced documents are copies of what is identified therein, and that counsel for Traffic Jam executed the document.*

**REQUEST FOR ADMISSION NO. 64:**

Respondent Traffic Jam Events, LLC approved the 2013 journal entry of consent judgment in *State of Kansas v. Traffic Jam Events, LLC*, Case No. 12-CV-8191 (Ks. Dist. Ct., Johnson Cty).

**ANSWER TO REQUEST FOR ADMISSION NO. 64:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence, and the term “approved” is not defined and subject to multiple interpretations. As stated in the documents cited, the consent judgment explicitly states that is not to be used as an admission of any violation of law, and further that the named defendant denied any and all liability. Accordingly, under FRE 408, this evidence is not admissible. Subject to these objections, admitted that the referenced documents are copies of what is identified therein, and that counsel for Traffic Jam executed the document.*

**REQUEST FOR ADMISSION NO. 65:**

Exhibit G to the ANSWER AND DEFENSE OF RESPONDENTS TRAFFIC JAM EVENTS, LLC, AND DAVID J. JEANSONNE II filed in this action is a copy of the 2019

consent agreement in *State of Indiana v. Traffic Jam Events, LLC*, Cause No. 49D10-1806-PL-021546 (Ind. Marion Cty. Sup. Ct.).

**ANSWER TO REQUEST FOR ADMISSION NO. 65:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence. As stated in the document cited, the consent judgment explicitly states that it is not to be used as an admission of any violation of law, and further that the named defendant denied any and all liability. Accordingly, under FRE 408, this evidence is not admissible. Subject to these objections, admitted that the referenced document is a copy of what is identified therein.*

**REQUEST FOR ADMISSION NO. 66:**

Respondent Traffic Jam Events, LLC executed the consent agreement in *State of Indiana v. Traffic Jam Events, LLC*, Cause No. 49D10-1806-PL-021546 (Ind. Marion Cty. Sup. Ct.).

**ANSWER TO REQUEST FOR ADMISSION NO. 66:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence. As stated in the document cited, the consent judgment explicitly states that it is not to be used as an admission of any violation of law, and further that the named defendant denied any and all liability. Accordingly, under FRE 408,*

*this evidence is not admissible. Subject to these objections, admitted that Traffic Jam executed the referenced document.*

**REQUEST FOR ADMISSION NO. 67:**

Respondent David Jeansonne signed the 2019 consent agreement in *State of Indiana v. Traffic Jam Events, LLC*, Cause No. 49D10-1806-PL-021546 (Ind. Marion Cty. Sup. Ct.), attached as Exhibit G 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. 67:**

*As this document does not pertain to Individual Respondent, but appears directed at Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Respondent Traffic Jam specifically object to the relevance of this request as it is not likely to lead to discovery of admissible evidence. As stated in the document cited, the consent judgment explicitly states that it is not to be used as an admission of any violation of law, and further that the named defendants denied any and all liability. Accordingly, under FRE 408, this evidence is not admissible. Subject to these objections, the Request is DENIED, as the consent agreement was signed by a duly authorized officer of Traffic Jam Events, LLC. The duly authorized officer of Traffic Jam who signed the agreement was David Jeansonne.*

**REQUEST FOR ADMISSION NO. 68:**

**Attachment 7** is a copy of the amended complaint filed in *Office of the State Attorney General, et al. v. Traffic Jam Events, LLC, et al.*, Case No. 20-CA-3536 (Fla. Cir. Ct., 13th Judicial Cir., Hillsborough Cty).

**ANSWER TO REQUEST FOR ADMISSION NO. 68:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Subject to these objections, admitted that the referenced document is a copy of the amended complaint filed in Office of the State Attorney General, et al. v. Traffic Jam Events, LLC.*

**REQUEST FOR ADMISSION NO. 69:**

**Attachment 8** is a copy of the answer to the amended complaint filed in *Office of the State Attorney General, et al. v. Traffic Jam Events, LLC, et al.*, Case No. 20-CA-3536 (Fla. Cir. Ct., 13th Judicial Cir., Hillsborough Cty), filed on behalf of Respondents Traffic Jam Events, LLC, and David J. Jeansonne II.

**ANSWER TO REQUEST FOR ADMISSION NO. 69:**

*As this document does not pertain to Individual Respondent, it has no relevance to the allegations against Individual Respondent and is thus not likely to lead to discovery of admissible evidence.*

*Subject to these objections, admitted that the referenced document is a copy of the answer to the amended complaint filed in Office of the State Attorney General, et al. v. Traffic Jam Events, LLC.*



July 26, 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. Jeansonne II***

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 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 Shahrasbi  
Federal Trade Commission  
Bureau of Consumer Protection  
600 Pennsylvania Avenue, NW  
Mailstop CC-10232  
Washington, DC 20506  
twidor@ftc.gov  
sshahrasbi@ftc.gov

*Complainant Counsel*

July 26, 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, and as an individual.
4. I have reviewed Respondents' Answers to Complaint Counsel's Third Set of Requests for Admissions dated July 26, 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 26<sup>th</sup> day of July, 2021.

  
DAVID J. JEANSONNE, II

**Brickman, Jennifer**

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**From:** Balart, Etienne  
**Sent:** Thursday, July 22, 2021 11:44 AM  
**To:** Brickman, Jennifer  
**Subject:** FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery  
**Attachments:** 121620 Order Granting Complaint Counsel's Motion to Compel Production of Documents and Answers to Interrogatories.pdf; CC's First Set of Requests for Interrogatories to Traffic Jam Events, LLC.pdf; CC's First Set of Requests for Production to Traffic Jam Events, LLC.pdf

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Balart, Etienne  
**Sent:** Tuesday, July 13, 2021 8:20 AM  
**To:** 'Tankersley, Michael' <MTANKERSLEY@ftc.gov>  
**Cc:** Widor, Thomas <twidor@ftc.gov>; David Jeansonne <david@trafficjamevents.com>  
**Subject:** FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

Michael – please note the below offer from Tom. As requested, we stand ready to provide you the information on how to access the ESI, provided you either (1) agree to my request to exclude certain search terms that would produce privileged material; or (2) allow Respondents a set period of time to review the ESI results for privileged/protected material.

Etienne

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

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**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Thursday, May 27, 2021 8:12 AM  
**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
**Subject:** [EXTERNAL] FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David, as we discussed yesterday, I'm resending the interrogatory requests that require a response. The attachments also include the court order and our requests for production.

Please let us know when we can set up a time to discuss ESI access with Justin, or, if it is easier, you can provide the information on how to access ESI in a reply.

Tom

**From:** Widor, Thomas

**Sent:** Thursday, May 6, 2021 3:24 PM

**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>; Justin Brophy <[justinb@trafficjamevents.com](mailto:justinb@trafficjamevents.com)>

**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

**Subject:** FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

Per David's request, I'm forwarding this email from earlier today.

Tom W.

---

**From:** Widor, Thomas

**Sent:** Thursday, May 6, 2021 9:17 AM

**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>

**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

**Subject:** FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

I'm forwarding our prior discussion about the discovery responses from December. I've also attached our discovery requests and Judge Chappell's order requiring production by December 23. When we received the signed proposed consent order that day, we agreed that Respondents would not have to provide the responses that day in case the order would resolve the proceedings. Now that we are back in adjudication, we will need Respondents to comply with the order and request production by next Wednesday, May 12.

We can discuss this on the 10am CST time call.

We will also need to discuss deposition dates but can wait for the court's scheduling order to set those. For now, would you confirm whether Mariela Everst is still employed with Traffic Jam Events?

Tom W.

---

**From:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

**Sent:** Tuesday, December 22, 2020 6:08 PM

**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>

**Cc:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>

**Subject:** In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

We wanted to follow-up on outstanding discovery. Per Judge Chappell's Order issued on December 16<sup>th</sup>, Respondent's responses to the requests for production and the interrogatories are due tomorrow. Please note, per the Order, the relevant time period covered by the discovery requests is January 1, 2015 to the present. Electronically stored documents, including e-mail, are required to be produced in their existing, native formats. Please also note that pursuant to the Order you are also required to produce text messages, voicemails, and any other forms of instant messaging or communications, including IM, Jabber, or Slack. Eleni, our paralegal, is copied on this email and she can provide you a File Transfer Link where you can upload the documents by tomorrow.

We also are awaiting your response to my email from yesterday confirming the proposed deposition schedule. If any of the proposed deponents are no longer with the company, please provide us with any contact information so we can issue third-party subpoenas. We also need to know your position on conducting these depositions remotely.

Apart from deposing you and your employees, we also need to discuss the issuance of third-party depositions. We intend to issue subpoena depositions to some of the printers and dealerships. Please let us know your availability to discuss by tomorrow before we send the proposed time and place for the depositions.

Lastly, the expert witness list was due on December 1, 2020 and therefore assume Respondents do not intend to produce any such witness.

Best Regards,  
Sanya S.

**Sanya Shahrasbi**  
Attorney  
Federal Trade Commission-Division of Financial Practices  
600 Pennsylvania Ave NW, CC-10218  
Washington, D.C. 20580  
(202) 326-2709

**Brickman, Jennifer**

**From:** Balart, Etienne  
**Sent:** Wednesday, July 7, 2021 2:27 PM  
**To:** 'Tankersley, Michael'  
**Cc:** Wimberly, Taylor; Widor, Thomas; Broadwell, Eleni; Brickman, Jennifer; David Jeansonne; Shahrabi, Sanya  
**Subject:** RE: Traffic Jam Events-- Subpoenas Ad Testificandum  
**Categories:** Saved to Worldox

Michael – we can attend to this after the deposition tomorrow. Please note that in his deposition, David gave last known numbers for all of those employees. I don't have the transcript in front of me, but let me know if I am wrong in that regard.

And to bring you up to speed, Tom had agreed to the production of the ESI and any paper files stored at Traffic jam to be collected by the FTC. I had asked Tom for a proposed protocol on who, when and how this was going to happen, as well as a proposal on how we could ensure privileged material is not accessed by the FTC. I never received a response other than the motion for sanctions. We can talk in more detail tomorrow, but I have been waiting on the proposed protocol to satisfy the FTC's discovery interests.

Etienne

**L. Etienne Balart** | Partner  
 Jones Walker LLP  
 D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

---

**From:** Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Sent:** Wednesday, July 7, 2021 10:13 AM  
**To:** Balart, Etienne <ebalart@joneswalker.com>  
**Cc:** Wimberly, Taylor <twimberly@joneswalker.com>; Widor, Thomas <twidor@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>  
**Subject:** [EXTERNAL] RE: Traffic Jam Events-- Subpoenas Ad Testificandum

Etienne:

We have not received the last known addresses for former employees. In particular, Mr. Jeansonne indicated he had current address information for Justin Brophy, Chad Bullock, Jim Whelan, and Mariela Everst. These addresses have not been provided to us.

I am available to confer this afternoon regarding production of the material covered by the Court's July 29 order. Let me know when you are available. We would like to know when we can expect production of these materials and avoid last-minute disputes over the production. We are awaiting:

- Complete and responsive answers to Complaint Counsel's First Set of Interrogatories
- Material responsive to Complaint Counsel's Requests for Production of Documents, including, without limitation:
  1. each unique Advertisement and Promotional Material;
  2. invoices;
  3. work orders;

4. documents sufficient to show the relationship between Respondent TJE and Platinum Plus Printing, including any agreements;
5. documents sufficient to show the relationship between Respondent TJE and the telephone numbers and websites listed on Respondents' Advertising;
6. data files showing mailing information relating to Respondents' Advertising;
7. sales logs and any other materials tracking leads or consumer responses to Respondents' Advertising through a customer relationship management database or otherwise;
8. email, text messages, and any other communications to, from, or copying
  - David J. Jeansonne II,
  - Justin Brophy,
  - Chad Bullock,
  - Jim Whelan,
  - William Lilley, and
  - Mariela Everst
 relating to Respondents' Advertising;
9. business plans, proposals, financial analyses, market or sales strategies, sales projections, sales pitches or prospectuses, or return on investment analyses relating to Respondents' Advertising
10. all complaints relating to Respondents' Advertising;
11. all documents relating to the FTC or compliance with consumer protection laws;
12. all documents relating to the Florida, Kansas, and Indiana investigations and lawsuits; and
13. documents sufficient to show all persons having any responsibilities for or on Respondents' behalf for any Advertising.

For all of these categories we have received either no production or a limited production that does not cover the relevant period.

With regard to Emilie Saunders, as you know, she was a paralegal specialist and is no longer with the Commission. The facts covered by her declaration are not contested. She will not be a witness for the Commission in this proceeding. Her knowledge of the Traffic Jam investigation is covered by work product protection. If you intend to notice her deposition, we ask that you identify what testimony within the scope of discovery she would be able to give that is not protected by the work product doctrine or applicable privileges.

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

-----Original Message-----

From: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
 Sent: Tuesday, July 6, 2021 9:34 PM  
 To: Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
 Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
 Subject: RE: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum

Sanya --



FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 7/28/2021 | DOCUMENT NO. 602060 | Page 105 of 113 | PUBLIC  
I never heard back from you, Tom or Michael concerning a call to discuss production of ESI and any outstanding information that you do not have. I believe you have all last known contact information of all former THE employees. We still do not have the address for Emilie Saunders per my prior request.

Please send me the email address of Will Lilley's counsel, as there are documents I intend to send to them prior to the deposition.

Etienne

L. Etienne Balart | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

-----Original Message-----

From: Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
Sent: Tuesday, July 6, 2021 11:55 AM  
To: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
Subject: RE: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum

Etienne,

As we told you last week, Respondents haven't followed the proper procedure under the Rules to request these depositions. As Complaint Counsel, we are not aware of any order from the court requiring the presence of the Commissioners for a deposition today.

Sanya

Sanya Shahrasbi  
Attorney  
Federal Trade Commission-Division of Financial Practices  
600 Pennsylvania Ave NW, CC-10218  
Washington, D.C. 20580  
(202) 326-2709

-----Original Message-----

From: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
Sent: Tuesday, July 6, 2021 6:51 AM  
To: Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
Subject: RE: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum

Sanya --

We just completed the process verbal for the deposition of Commissioner Simons. So that we can avoid the expense of getting back on Zoom and taking individual process verbal for the duly noticed depositions, can you please confirm that the FTC is not producing any witnesses today. Thank you,

Etienne

L. Etienne Balart | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

-----Original Message-----

From: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
Sent: Friday, July 2, 2021 12:10 PM  
To: Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
Subject: Re: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum

We plan on taking a proces verbal on Tuesday as we don't agree that a subpoena is required. It was your obligation to file a Motion to Quash if you get that the deposition was not appropriate as a matter of factual inquiry. Happy to confer regarding ESI production on the 6th, time permitting.

Etienne

Sent from my iPhone

> On Jul 2, 2021, at 10:59 AM, Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)> wrote:  
>  
> Etienne,  
>  
> Please find attached a Subpoena to Testify at a Deposition sent to William Lilley today for July 8th, at 9am ET. We are open to rescheduling to accommodate your schedule if Mr. Lilley is available, but we are not able to forego scheduling depositions during the remaining days scheduled for discovery to accommodate your involvement in another matter.  
>  
> In reference to the Commissioner depositions, the rule does not contain the exception you describe. We have explained that deposing the Commissioners is not appropriate in this action, but if Respondents intend to seek such depositions they must comply with the Administrative Rules (See Emails dated June 21, June 8, June 7).  
>  
> Lastly, please let us know if you are available on July 6th to confer regarding production of the materials covered by the Court's June 29 order.  
>  
> Sanya  
>  
> Sanya Shahrasbi  
> Attorney  
> Federal Trade Commission-Division of Financial Practices  
> 600 Pennsylvania Ave NW, CC-10218  
> Washington, D.C. 20580  
> (202) 326-2709  
>  
> -----Original Message-----  
> From: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
> Sent: Thursday, July 1, 2021 3:24 PM

> To: Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>  
> Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
> Subject: Re: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum  
>  
> Sanya, as I read 3.36, the subpoena requirement applies to Commissioners and employees not involved in the case. Do you have cases to support Complaint Counsel's current interpretation, as well as an explanation of why this is being raised at the last minute as opposed to when we discussed the depositions. Without ceding applicability of 3.36, which we contest, please send the addresses of the noticed Commissioners so we can be prepared to issue a subpoena if required.  
>  
> I am not available on the 8th, and will confer with David on how he would like to proceed.  
>  
> Etienne  
>  
> Sent from my iPhone  
>  
> On Jul 1, 2021, at 1:40 PM, Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)> wrote:  
>  
>  
> Etienne and Taylor,  
>  
> Counsel for William Lilley has confirmed that he is available for deposition on July 8th at 9am EDT. We are planning to notice and subpoena him for that date and time and I am writing to consult on scheduling. The deposition will be conducted remotely using the same technology used for at David's deposition.  
>  
> Also, Rule 3.36 requires a motion to authorize a subpoena for the Commissioner depositions you have noticed for July 6. Because Respondents have not filed such a motion, those depositions cannot be authorized by July 6. As Complaint Counsel we are not planning on making an appearance and consider those dates open for scheduling other matters. Please let us know if you are available on that date to confer regarding production of the materials covered by the Court's June 29 order.  
>  
> Sanya  
>  
> Sanya Shahrasbi  
> Attorney  
> Federal Trade Commission-Division of Financial Practices  
> 600 Pennsylvania Ave NW, CC-10218  
> Washington, D.C. 20580  
> (202) 326-2709  
>  
> <2021-7-2 Sealed Subpoena ad testificandum-William Lilley.pdf>

**Brickman, Jennifer**

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**From:** Balart, Etienne  
**Sent:** Monday, July 12, 2021 9:57 AM  
**To:** 'Tankersley, Michael'  
**Cc:** Wimberly, Taylor; Widor, Thomas; Brickman, Jennifer; David Jeansonne; Shahrasbi, Sanya  
**Subject:** RE: Traffic Jam Events-- June 29 Order and Former Employee Addresses

**Categories:** Saved to Worldox

Michael,

We will get you full and complete Interrogatory responses, so you can dot that "i." I also confirm that by Tuesday, Complaint Counsel will produce, as responsive to our prior discovery requests, all information in the form of documents etc that it intends to prove its case. As we discussed, to date, Complaint Counsel has hidden behind a barrage of asserted privileges (deliberative process/law enforcement/work product etc) to not produce a single contemporaneous document that it had in its possession prior to the filing of the Complaint on Aug. 7 (other than what the Florida AG's office provided you). As I explained during our lengthy call, all Respondents are asking for is candor from Complaint Counsel as to how they intend to try this case. It is either (a) we don't need any consumer complaints and decided to do it ourselves as a political favor; or (b) we have hundreds of consumers who complained and that's why the acts are so deceptive. As you well know, this "administrative" record matters, and if it is path (a) that you intend to pursue, that is your prerogative, but we are entitled to know that.

As far as documents, I have to say that it appears that Mr. Widor is backtracking on his earlier agreement to access the ESI that Mr. Jeansonne identified, and that you intent to do the same. To state the obvious, right now Mr. Jeansonne has no employees and the business is shut down. We have identified for you the ESI in the form of the Mindset email server that is hosted by a third party. We are under no obligation to access and produce that material to you; rather, the Rules specifically contemplate that we can make the ESI available for your review and inspection (16 CFR 3.37(a)). I don't understand why you have cited to the Rules on a Motion to Compel, given that to respond to that motion we have offered you access to everything. You, or at least your co-counsel, has previously identified the email accounts you wish to access, and back on June 8<sup>th</sup>, so now more than 30 days have elapsed with nothing more than changing the terms by Complaint Counsel. You could have started the ESI collection process (which, pursuant to 3.37(a) we are not obliged to pay for) back then, if that is what you truly wanted to do.

So let me provide clarity: Respondents have identified, and previously disclosed to Complaint Counsel all email communications of the personnel identified by Complaint Counsel as responsive to the categories of documents ordered to be produced in the MTC. While we would typically agree to a defined set of keywords to identify responsive information, given the breadth of your requests, and the lack of employees at Traffic Jam, Respondents have decided to simply give you access to all ESI maintained on the server for the last six (6) years. That *may* include privileged information, so the only condition we have placed on this is that once the ESI is obtained, we be allowed a brief period of time to conduct a privilege review, which Complaint Counsel has refused. Alternatively, if you agree to exclude "Etienne", "Jones Walker", "joneswalker.com" or "attorney" from your search of the ESI, we can handle it that way.

As far as the Commissioners go, and last knowns, I need the addresses to prepare subpoenas for testimony at trial, so please send that to me and I will provide you with the last knowns. With respect to the paralegal, I was told earlier that I would have to coordinate her deposition, which is why I was provided a phone number that simply rings out. If you would like to produce her this week, let me know a time and date. I intend to ask her the simple questions of what *factual* information the FTC possessed to include in the Complaint, and the *source* of that *factual* information. Although I may be dense, I don't see how either of those lines of inquiry could possibly be "privileged," especially if the answer is "only the stuff that the Florida AG sent over to us" plus everything that Tom had me try to dig up between the time we

Etienne

**L. Etienne Balart** | Partner  
Jones Walker LLP  
D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

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**From:** Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Sent:** Friday, July 9, 2021 4:22 PM  
**To:** Balart, Etienne <ebalart@joneswalker.com>  
**Cc:** Wimberly, Taylor <twimberly@joneswalker.com>; Widor, Thomas <twidor@ftc.gov>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>  
**Subject:** [EXTERNAL] Traffic Jam Events-- June 29 Order and Former Employee Addresses

Etienne,

To reiterate the discussion from our telephone call earlier, we have yet to receive proper responses to any of the Interrogatories covered by the Court's June 29 Order. The responses should answer each interrogatory separately and be signed under oath. 16 CFR § 3.35(a)(2).

With respect to the documents, we have not been provided with access to Respondents' ESI or responsive hard-copy material. Mr. Jeansonne provided the name of a vendor (Mindset) but no access. Respondents are responsible for identifying responsive materials and asserting privilege for withheld material. 16 C.F.R. § 3.38A. A partial list of the categories of documents the Court has ordered to be produced is set forth at pages 4-5 of the Court's December 16, 2020 order. We also would note that production is not limited to e-mail and should encompass any other sources where Respondents stored responsive material, such as material stored in Dropbox, the ACT database, text messages, and Mr. Jeansonne's yahoo account. Again, please provide us with details regarding the material Respondents have collected for production including what (if any) documents are not digital, the format and volume of the digital files, and the means by which Respondents will produce them.

We again request the addresses for the former Traffic Jam Events employees. The Court ordered Respondents to provide amended disclosures in October, and the Court's most recent order confirmed that Respondents have not fulfilled their duty to supplement their prior disclosures to provide updated contact information for TJE's former employees. Your request that we provide the addresses of Commissioners in exchange is not appropriate and certainly not a condition of the Court's order. Depositions of the Commissioners are governed by Rule 3.36; Respondents cannot satisfy the standard set forth in the Rule and have not even filed an application for such discovery.

With regard to our former paralegal, you can contact us if you intend to notice her deposition. As I stated earlier, we ask that you identify what testimony you seek through such a deposition that would be within the scope of discovery and not protected by the work product doctrine or applicable privileges. She will not be a witness for the Commission in this proceeding.

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

---

**From:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Sent:** Friday, July 9, 2021 9:46 AM  
**To:** Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Subject:** RE: Traffic Jam Events-- Subpoenas Ad Testificandum

Michael –

Let's discuss in more detail during our call. As for designation of ESI, I disagree. We had multiple conferences and emails with Mr. Widor and Ms. Shahrabi concerning what ESI existed – as you could likely imagine, it is email located on a server that we identified. Once that data is accumulated, we have the right to identify privileged information and designate it as such. So what I am asking for is a protocol of how your ESI vendor proposes to access the materials, how they propose to accumulate the material, and how, once it is accumulated, we are allowed a chance to review for privilege. What program/platform do they propose using to store the information (we use relativity, so I would prefer that, to speed things along), and, most importantly, what procedures are in place to make sure that Complaint Counsel does not have access to the information until after the review. These are details only Complaint Counsel can provide. For your reference, Mr. Widor sent the contours of a proposed protocol in the attached, but this needs to be updated to reflect the actual recovery of data. Respondents do not plan on sharing any of these costs, and we do not think there is any authority for such.

On the interrogatories, what specific interrogatories (that were not also already addressed in the deposition) does Complaint Counsel think are unanswered/outstanding?

I too have not been provided with addresses for the FTC former employees. I find it strange that the FTC does not have the wherewithal to locate the address of US citizens (even a private practitioner like myself can do that), but if you agree to produce Ms. Broadwell's last known address, as well as the addresses of the Commissioners as previously requested of Ms. Shahrabi, then we will reciprocate.

Etienne

**L. Etienne Balart** | Partner  
 Jones Walker LLP  
 D: 504.582.8584 | M: 504.756.2192  
[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

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**From:** Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Sent:** Thursday, July 8, 2021 5:00 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Subject:** [EXTERNAL] RE: Traffic Jam Events-- Subpoenas Ad Testificandum

Etienne,

We have not been provided with the addresses for the former employees. David indicated during this deposition that he believed he had addresses, not just telephone numbers.

With regard to compliance with the discovery order, we have not received interrogatory responses. Nor have we received a description of documents Respondents are ready to produce. Respondents are responsible for identifying materials for which they claim privilege and which materials are responsive. ESI must be produced in native form or reasonably usable form that does not eliminate information or functionality. 16 C.F.R. § 3.37(c)(ii). Inadvertent disclosures are governed by Rule 3.31(g).

Please provide us with details regarding the material Respondents have collected for production including what (if any) documents are not digital, the format and volume of the digital files, and the means by which Respondents will produce them.

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

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**From:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Sent:** Wednesday, July 7, 2021 3:27 PM  
**To:** Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>  
**Subject:** RE: Traffic Jam Events-- Subpoenas Ad Testificandum

Michael – we can attend to this after the deposition tomorrow. Please note that in his deposition, David gave last known numbers for all of those employees. I don't have the transcript in front of me, but let me know if I am wrong in that regard.

And to bring you up to speed, Tom had agreed to the production of the ESI and any paper files stored at Traffic jam to be collected by the FTC. I had asked Tom for a proposed protocol on who, when and how this was going to happen, as well as a proposal on how we could ensure privileged material is not accessed by the FTC. I never received a response other than the motion for sanctions. We can talk in more detail tomorrow, but I have been waiting on the proposed protocol to satisfy the FTC's discovery interests.

Etienne

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**From:** Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Sent:** Wednesday, July 7, 2021 10:13 AM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne

**Subject:** [EXTERNAL] RE: Traffic Jam Events-- Subpoenas Ad Testificandum

Etienne:

We have not received the last known addresses for former employees. In particular, Mr. Jeansonne indicated he had current address information for Justin Brophy, Chad Bullock, Jim Whelan, and Mariela Everst. These addresses have not been provided to us.

I am available to confer this afternoon regarding production of the material covered by the Court's July 29 order. Let me know when you are available. We would like to know when we can expect production of these materials and avoid last-minute disputes over the production. We are awaiting:

- Complete and responsive answers to Complaint Counsel's First Set of Interrogatories
- Material responsive to Complaint Counsel's Requests for Production of Documents, including, without limitation:
  1. each unique Advertisement and Promotional Material;
  2. invoices;
  3. work orders;
  4. documents sufficient to show the relationship between Respondent TJE and Platinum Plus Printing, including any agreements;
  5. documents sufficient to show the relationship between Respondent TJE and the telephone numbers and websites listed on Respondents' Advertising;
  6. data files showing mailing information relating to Respondents' Advertising;
  7. sales logs and any other materials tracking leads or consumer responses to Respondents' Advertising through a customer relationship management database or otherwise;
  8. email, text messages, and any other communications to, from, or copying
    - David J. Jeansonne II,
    - Justin Brophy,
    - Chad Bullock,
    - Jim Whelan,
    - William Lilley, and
    - Mariela Everstrelating to Respondents' Advertising;
- 9. business plans, proposals, financial analyses, market or sales strategies, sales projections, sales pitches or prospectuses, or return on investment analyses relating to Respondents' Advertising
- 10. all complaints relating to Respondents' Advertising;
- 11. all documents relating to the FTC or compliance with consumer protection laws;
- 12. all documents relating to the Florida, Kansas, and Indiana investigations and lawsuits; and
- 13. documents sufficient to show all persons having any responsibilities for or on Respondents' behalf for any Advertising.

For all of these categories we have received either no production or a limited production that does not cover the relevant period.

With regard to Emilie Saunders, as you know, she was a paralegal specialist and is no longer with the Commission. The facts covered by her declaration are not contested. She will not be a witness for the Commission in this proceeding. Her knowledge of the Traffic Jam investigation is covered by work product protection. If you intend to notice her deposition, we ask that you identify what testimony within the scope of discovery she would be able to give that is not protected by the work product doctrine or applicable privileges.

Michael Tankersley  
Federal Trade Commission  
Bureau of Consumer Protection  
600 Pennsylvania Ave., NW



Washington, DC 20580  
(202) 326-2991

-----Original Message-----

From: Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>

Sent: Tuesday, July 6, 2021 9:34 PM

To: Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

Cc: Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>; Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>;

David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>

Subject: RE: [EXTERNAL] Traffic Jam Events-- Subpoenas Ad Testificandum

Sanya --

I never heard back from you, Tom or Michael concerning a call to discuss production of ESI and any outstanding information that you do not have. I believe you have all last known contact information of all former THE employees. We still do not have the address for Emilie Saunders per my prior request.

Please send me the email address of Will Lilley's counsel, as there are documents I intend to send to them prior to the deposition.

Etienne

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