

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

**COMPLAINT COUNSEL’S MOTION TO COMPEL RESPONDENTS TO COMPLY
WITH THEIR DISCOVERY OBLIGATIONS AS TO INITIAL DISCLOSURES,
REQUEST FOR PRODUCTION RESPONSES, AND PRELIMINARY WITNESS LIST**

Pursuant to Administrative Rule 3.38, Complaint Counsel respectfully request the Court to compel Respondents, Traffic Jam Events, LLC and David J. Jeansonne II, to (i) comply with their initial disclosure obligations, (ii) respond completely and in good faith to Complaint Counsel’s First Set of Requests for Production to Traffic Jam Events, LLC (“RFPs”), and (iii) comply with the Court’s Scheduling Order to provide “a brief summary of the proposed testimony” with Respondents’ Preliminary Witness List. Complaint Counsel respectfully requests that the Court order Respondents to produce the requested information and comply with their discovery obligations within five (5) days of the Court’s ruling.

BACKGROUND

This action has been pending since August 10, 2020. Respondents answered on August 27, 2020, and, since that time, Respondents have shirked their discovery obligations at every turn. Although Commission Rules require both parties to provide mandatory initial disclosures five days after Respondents’ answer, Respondents requested—and Complaint Counsel agreed—

to a 3-day extension to allow them to investigate and make their disclosures. Widor Dec., ¶ 10.

Respondents served initial disclosures on September 7, 2020, limiting the responses to three examples cited in the Complaint, and, even then, providing vague and incomplete information.

Id., Ex. A. Respondents did not produce any documents as part of their initial disclosures. *Id.*, ¶ 11.

Complaint Counsel then served RFPs on September 10, 2020. *Id.*, Ex. B. On October 1, 2020, Respondents requested a 20-day extension, providing no explanation for the request. *Id.*, ¶ 12, Ex. C. Given the deficiencies with the initial disclosures and anticipating similar issues with Respondents' RFP responses, Complaint Counsel requested that the parties "schedule a meet and confer for either Monday or Tuesday to discuss a rolling production schedule beginning with the documents already identified in Respondents initial disclosures and any issues or objections that you foresee to any of the pending requests that we can try to address and resolve." *Id.* During the call, Respondents' counsel made clear that Respondents would not provide information beyond the three mailers provided as examples in the Complaint in any discovery unless compelled by the Court. *Id.* ¶ 13. Complaint Counsel explained that the Complaint was not limited to the examples and that the scope of discovery encompassed information and material reasonably expected to yield relevant information to the allegations, proposed relief, and defenses. *Id.* Complaint Counsel disagreed, reaffirming that the issue would need to be decided by the Court. *Id.* ¶ 14.

On the same day, Respondents served Complaint Counsel with their Preliminary Witness List. *Id.*, Ex. D. Although the Scheduling Order requires "a brief summary of the proposed testimony," Respondents merely repeated for at least eleven witnesses that they will testify as to

“[t]he allegations of the Commission’s complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.” *See id.*

Given Respondents’ position and express intention to limit all discovery, Complaint Counsel followed up on the telephonic meet and confer by writing Respondents on October 9, 2020 to lay out the deficiencies in Respondents’ discovery responses and request that Respondents comply with their discovery obligations by October 15, including the responses to the RFPs. Widor Dec., Ex. E. Respondents reiterated their position in an October 9, 2020 response that their discovery obligations were limited to the mailers identified in the Complaint. *Id.*, Ex. F.

On October 10, 2020, Respondents served incomplete and inadequate discovery responses to RFPs, holding fast to their stated position and mainly repeating boilerplate objections. *Id.*, Ex. G. Respondents produced a total of 14 documents. *Id.* ¶ 17. Based on their response, Respondents do not appear to have conducted any real diligent searches, especially of electronically stored information, or otherwise answered the RFPs in good faith. *Id.*

Given Respondents’ failure to provide responsive materials and to correct these deficiencies, Complaint Counsel now respectfully requests the Court to address these issues and compel Respondents to comply with their discovery obligations. With a discovery track that closes January 15, 2021 and the November and December holidays looming, Respondents’ discovery tactics have and will continue to prejudice Complaint Counsel’s ability to conduct discovery and litigate this matter. *Id.* ¶¶ 21-24.

LEGAL STANDARD

Under Rule 3.31(a) both parties are required to initially disclose the name and contact information of each individual “likely to have discoverable information relevant to the

allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent.” Parties also must provide a copy of, or a description of, all documents and electronically stored information. . . and tangible things in the possession, custody, or control of the respondents that are “relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent.”

Rule 3.31(c)(1) clarifies that the scope of the initial disclosures includes “discovery to the extent that it may be reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of any respondent” or that appear “reasonably calculated to lead to the discovery of admissible evidence.” 16 C.F.R 3.31(c). Information is “relevant” to a matter if it has any “tendency” to make a consequential fact “more or less probable.” Fed. R. Evid. 401. For a motion to compel, “[u]nless the Administrative Law Judge determines that the objection is justified, the Administrative Law Judge shall order that an initial disclosure or an answer to any requests for admissions, documents, depositions, or interrogatories be served or disclosure otherwise be made.” 16 C.F.R. 3.38(a).

ARGUMENT

I. Respondents’ Initial Disclosures Are Incomplete and Inadequate

Under Rule 3.31, Respondents must provide initial disclosures “relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent.” Rule 3.31(c) makes clear that discovery extends to information that “may be reasonably expected to yield” such relevant information. Notwithstanding the clear thrust of this rule, Respondents initial disclosures fail to provide complete and adequate information. Specifically, Respondents have limited their initial disclosures to the three advertisements cited as examples in the Complaint.

The well-pled allegations of the Complaint charge multiple counts of deceptive conduct, including two violations of the FTC Act and one violation of the Truth in Lending Act, relating to Respondents' advertising and marketing practices. The Complaint makes clear that the advertisements cited in the complaint are not exclusive and merely examples. *See, e.g.*, Compl. ¶¶ 5, 9, & 12-14; *see also* Counts I, II, & III. Besides the three mailers from Florida and Alabama, the Complaint also alleges that Respondents solicited dealerships and disseminated deceptive advertisements nationwide, including ones that resulted in law enforcement actions in at least Indiana and Kansas. Compl. ¶¶ 9. Disclosure of persons and information relating to Respondents advertisements and promotional materials that represent stimulus information or affiliation with the government (Count I), that consumers have won a prize (Count II), or that promote closed-end credit transactions (Count III) are clearly subject to the disclosure requirements. At a minimum, this type of information is "reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of any respondent."

What little information Respondents have disclosed is vague and inadequate. For example, Respondents only identified "authorized representative(s) of dealerships" even though the specific names and contact information for individuals that have interacted with Respondents or who may have relevant information should already be known or is easily obtainable by Respondents.

II. Respondents' Response to the RFPs is Incomplete and Inadequate

Respondents' response to the RFPs is similarly inappropriately limited to the three advertisements cited in the Complaint and, even then, grossly incomplete and inaccurate.¹ Respondents objected to each and every request based on Respondents' limited view of their discovery obligations, claiming each request is "completely untethered to the allegations in the complaint and the allegedly violative, discrete actions cited by Complainant."² This is not the law, and the scope of discovery is not so limited under the Rules. Complaint Counsel's tailored requests are reasonably calculated to lead to the discovery of admissible evidence in support of the Complaint's allegations, potential relief, and disproving Respondent's defenses.

The RFPs, for example, seek advertisements relating to the sale or offer for sale of any new or used motor vehicle or closed-end credit (RFP 1); documents concerning the creation, development, and review of those advertisements (RFP 5); how widely disseminated the advertisements were (RFP 6);³ additional representations and communications relating to the claims in the advertisements (RFPs 7-9 and 11); business plans, sales pitches and similar other documents concerning their advertising and promotional materials (RFP 10); and complaints, compliance with consumer protection or advertising laws, communications relating to the FTC, and law enforcement inquiries (RFPs 12-15). *See* Widor Dec., Ex. B. These discovery requests are relevant to the allegations in this case, including that misrepresentations were made (in the advertising and the websites and phone numbers listed on the ads and at sale sites), whether

¹ The RFPs were only issued to Respondent Traffic Jam Events, LLC. Both Respondents filed a joint response, including Respondent Jeansonne. As to the RFPs, Complaint Counsel's motion is limited to Respondent Traffic Jam Events.

² In copying and pasting the boilerplate objections, Respondents appear to have inadvertently referenced the wrong request in response to RFP No. 6.

³ Respondents objected to RFP No. 6 because dissemination schedule is not defined. While troubling that a purported ad agency claims to not understand the phrase "dissemination schedule," it does not relieve Respondent Traffic Jam Events from responding to the best of its understanding, especially as the request describes the type of information sought.

Respondents have any substantiation or information calling into question the claims, whether the ads were widely disseminated; the existence of consumer injury; materiality; and knowledge and intent. The requests—a number of which are limited to documents sufficient to show—are not burdensome and the information is readily available to Respondent Traffic Jam Events.

RFPs 2 and 4 request documents sufficient to show Traffic Jam Events’ relationship with client dealerships for which it has provided advertising or other promotional activities and payment information. In addition to being relevant to the core issues, these requests are likely to lead to additional sources of information and potential witnesses. Indeed, Respondents have previously asserted that the dealers, and not Traffic Jam Events, possess some of the relevant information such as consumer records and sales.

RFP 3 requested documents sufficient to show the relationship with Platinum Plus Printing, which the evidence and public information shows to be involved with some of the challenged advertisements and tied to Respondents. Notwithstanding all this, Respondents narrowly responded that they have no “contract or agreement” with the company.

Respondents engaged in similar dilatory tactics in responding to many other requests. In response to RFP 1, asking about Respondents products and services, including advertising and promotional material “relating to the sale or offer for sale of any new or used motor vehicle or closed-end credit,” Respondents represented that they “do not sell or offer for sale” any motor vehicle or close-end credit. Respondents’ response is disingenuous and not made in good faith given Respondents admissions in their Answer that they “advertised, marketed, promoted, or offered for sale or lease, and sold or leased motor vehicles for or on behalf of auto dealerships nationwide.” Respondents’ Answer ¶¶ 2, 3. Respondents similarly answered RFPs 8 and 9, seeking information about the domains and telephone numbers listed on the advertising, claiming

they do not “own or operate” them. Respondents also inappropriately responded to the requests for communications relating to the FTC, documents relating to compliance, and complaints (RFPs 12-15) with the assertion that “Complainant is already in possession of all communications to or from the FTC” or already received them from other sources.

Respondents responses are not credible and are not made in good faith. The information sought by the RFPs is not only essential to Complaint Counsel’s burden of proof for its case in chief, but also to Complaint Counsel’s ability to propound additional discovery requests to Respondents and third parties. For the reasons discussed above, the Court should strike Respondents’ objection that discovery is limited to the three advertisements and compel Respondents to comply with their discovery obligations with full and complete responses and production of documents.

In addition to the overarching boilerplate objection, Respondents added other unsubstantiated objections that each request is “overly broad, unduly burdensome, vague and/or ambiguous” and “not reasonably expected to yield [relevant] information.” Respondents also have claimed undue burden or cost without providing any factual support. Respondents further asserted attorney-client and work product privileges without providing a privilege log as requested by Instruction 8 to the RFPs. Most perplexing, Respondents objected to requests seeking confidential business information, even though Respondents are well aware of the Protective Order in place in this matter. Given Respondents failure to establish the validity of these claims with any specificity, the Court should strike them entirely. *See Hautala v. Progressive Direct Ins. Co.*, No. 08 5003, 2010 WL 1812555, at *14 (D.S.D. May 3, 2010) (“The party resisting production of discovery bears the burden of establishing lack of relevancy or that complying with the request would be unduly burdensome.”)

III. Respondents' Preliminary Witness List is Incomplete and Fails to Provide Sufficient Specificity.

Respondents finally have failed to provide a Preliminary Witness List that complies with the Court's Scheduling Order. Specifically, the Scheduling Order requires "a brief summary of the proposed testimony" but, for at least eleven witnesses, Respondents merely repeat that they will testify as to "[t]he allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents." Widor Dec., Ex. D. Such boilerplate language fails to provide any meaningful summary of the testimony.

CONCLUSION

For the reasons discussed above, Complaint Counsel respectfully requests that the Court strike Respondents objections, order Respondents to amend their initial disclosures, and conduct a diligent and complete search and produce responses, information, and documents responsive to Complaint Counsels' Requests for Production within five (5) days.

Respectfully submitted,

October 16, 2020

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

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2020, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

L. Etienne Balart
Lauren Mastio
Jennifer Brickman
Taylor Wimberly
Jones Walker LLP
201 St. Charles Ave
New Orleans, LA 70170-5100
ebalart@joneswalker.com
lmastio@joneswalker.com
jbrickman@joneswalker.com
twimberly@joneswalker.com

Counsel for Respondents

October 16, 2020

By: /s/ Thomas J. Widor
Thomas J. Widor
Federal Trade Commission
Bureau of Consumer Protection

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

SEPARATE MEET AND CONFER STATEMENT

Consistent with this Court’s Scheduling Order, Complaint Counsel, Sanya Shahrabi and Thomas Widor, along with paralegal Eleni Broadwell, met and conferred by telephone on October 6, 2020 with counsel, Etienne Balart, for Respondents Traffic Jam Events, LLC and David J. Jeansonne II (“Traffic Jam Events”) in a good faith effort to resolve the discovery disputes that are the subject of Complaint Counsel’s Motion to Compel Respondents to Supplement Initial Disclosures, and First Set of Discovery Responses (“Motion”). Complaint Counsel also met and conferred via an exchange of a letter and emails on October 9, 2020 and October 15, 2020. Counsel are unable to resolve their disputes about the matters that are the subject of the Motion. Counsel for Respondents asked that Complaint Counsel delay the filing until next week for yet another meet and confer, claiming they were unavailable. Given the parties’ stated positions, Respondents have made clear their position and Complaint Counsel does not see any realistic possibility that further conferences will result in an agreement by the parties. Moreover, further delay will severely prejudice Complaint Counsel’s ability to conduct discovery and litigate the matter.

Dated: October 16, 2020

Respectfully submitted,

/s/ Thomas J. Widor

Thomas J. Widor

Division of Financial Practices

Bureau of Consumer Protection

Federal Trade Commission

600 Pennsylvania Avenue, NW

Mailstop CC-10232

Washington, DC 20580

(202) 326-3039

twidor@ftc.gov

Complaint Counsel

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL'S MOTION TO
COMPEL RESPONDENTS TO COMPLY WITH THEIR DISCOVERY OBLIGATIONS
AS TO INITIAL DISCLOSURES, REQUEST FOR PRODUCTION RESPONSES, AND
PRELIMINARY WITNESS LIST**

Upon consideration of Complaint Counsel's Motion to Compel:

IT IS HEREBY ORDERED that Complaint Counsel's Motion is GRANTED.

IT IS FURTHER ORDERED that Respondents' objection that discovery is limited to the three advertisements or discrete actions cited in the Complaint is STRICKEN.

IT IS FURTHER ORDERED that Respondents shall amend their Initial Disclosures and produce information and documents that may be reasonably expected to yield relevant information pursuant to Rule 3.31 within five (5) days of this Order.

IT IS FURTHER ORDERED that Respondents' remaining objections to Complaint Counsels' Requests for Production are STRICKEN.

IT IS FURTHER ORDERED that Respondent Traffic Jam Events shall conduct a diligent and complete search and produce responses, information, and documents responsive to Complaint Counsels' Requests for Production within five (5) days of this Order.

IT IS FURTHER ORDERED that Respondents shall provide a complete amended Witness List with a brief summary of the proposed testimony within five (5) days of the Court ruling.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

DECLARATION OF THOMAS J. WIDOR

1. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would testify competently under oath to such facts. This declaration is submitted in support of Complaint Counsel’s Motion to Compel Respondents to Comply with their Discovery Obligations as to Initial Disclosures, Request for Production, and Preliminary Witness List (“Motion to Compel”).
2. I am an attorney at the Federal Trade Commission and Complaint Counsel in this proceeding.
3. Exhibit A is a true and correct copy of Respondents’ Initial Disclosures served on September 7, 2020.
4. Exhibit B is a true and correct copy of Complaint Counsel’s First Set of Requests to Respondent Traffic Jam Events, LLC (“CC’s RFPs”) served on September 10, 2020.
5. Exhibit C is a true and correct copy of e-mail correspondence concerning Respondents’ extension request and Complaint Counsel’s request for a meet and confer.
6. Exhibit D is a true and correct copy of Respondents’ Preliminary Witness List served on October 6, 2020.

7. Exhibit E is a true and correct copy of Complaint Counsel's letter and email following up on the meet and confer dated October 9, 2020.
8. Exhibit F is a true and correct copy of email correspondence between Complaint Counsel and Respondents concerning Respondents' discovery deficiencies.
9. Exhibit G is a true and correct copy of Respondents' Responses to CC's RFPs served on October 12, 2020.
10. Following the parties meet and confer on September 3, 2020, Complaint Counsel represented to Respondents that we would not object to Respondents providing their initial disclosures by Monday, September 7, 2020.
11. Respondents produced their initial disclosures on September 7, 2020 but did not produce any documents.
12. On October 1, 2020, Respondents requested a 20-day extension, providing no explanation for the request. Given the deficiencies with the initial disclosures and anticipating similar issues with Respondents' RFP responses, I requested that the parties "schedule a meet and confer for either Monday or Tuesday to discuss a rolling production schedule beginning with the documents already identified in Respondents initial disclosures and any issues or objections that you foresee to any of the pending requests that we can try to address and resolve."
13. The meet and confer call was held on October 6, 2020. During the call, Respondents' counsel made clear that Respondents would not provide information beyond the three mailers provided as examples in the Complaint in any discovery unless compelled by the Court. I explained that the Complaint was not limited to the examples and that the scope of discovery encompassed information and material reasonably expected to yield relevant information to

the allegations, proposed relief, and defenses. I indicated that I did not see any legal or factual basis for Respondents' position.

14. Complaint Counsel disagreed, reaffirming that the issue would need to be decided by the Court.
15. Given Respondents' position and express intention to limit all discovery, I followed up the meet and confer by writing Respondents on October 9, 2020 to lay out the deficiencies in Respondents' discovery responses and request that Respondents comply with their discovery obligations by October 15, including the responses to the RFPs.
16. Respondents reiterated their position in an October 9, 2020 response that their discovery obligations were limited to the mailers identified in the Complaint. Counsel for Respondents also stated that he would "further analyze [the] letter, and reserve the right to supplement this response in the time frame [we] have outline[d]."
17. On October 10, 2020, Respondents served incomplete and inadequate discovery responses to RFPs, including a mere 14 documents. Based on their response, I do not believe Respondents have conducted any real diligent searches, especially of electronically stored information, or otherwise answered the RFPs in good faith.
18. Respondents never again responded to the letter. As a result, on October 15, 2020, co-counsel Ms. Shahrabi contacted Respondents' counsel informing them that Complaint Counsel would file the motion to compel on Friday
19. Although counsel for Respondents asked that Complaint Counsel delay the filing for yet another meet and confer, Respondents counsel was unwilling to make themselves available until next week.

20. Given Respondents stated position, Complaint Counsel does not see any realistic possibility that further conferences will result in an agreement by the parties. Moreover, further delay will severely prejudice Complaint Counsel's ability to conduct discovery and litigate the matter.
21. Respondents' delay in producing responsive discovery imposes a significant prejudice on Complaint Counsel and will, in turn, impose a substantial burden on third parties. Many of the discovery requests are stepping stones to other discovery that Complaint Counsel will need. In prior conversations, Respondents have indicated that the dealerships, and not Traffic Jam Events, maintain responsive information. Thus, Complaint Counsel needs the discovery at issue before it can issue third-party discovery and set deposition dates.
22. While Complaint Counsel has sought to identify third parties through its own investigative efforts, these efforts are difficult and time-consuming, especially when all this information is readily available to Respondents.
23. Further delay will compound the time Complaint Counsel needs to review the discovery responses and identify relevant third parties, and subpoena those third parties. Based on our current experience, those third parties would need to obtain counsel and then search for and produce responsive documents and potentially raise objections. Complaint Counsel would need to review those documents and then schedule and take any necessary depositions.
24. There is no question that there is significant risk that the remaining three months will be insufficient to complete these tasks and then depose Respondents, thereby significantly prejudicing Complaint Counsel.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed October 16, 2020

By: /s/ Thomas J. Widor

Thomas J. Widor
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20506

EXHIBIT A

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

In the Matter of

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

and

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

DOCKET NO. 9395

RESPONDENTS' INITIAL DISCLOSURES

Respondents, Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne, II (collectively, “Respondents”), through undersigned counsel and pursuant to Rule 3.31(b)(1) of the Federal Trade Commission’s Rules of Practice, make the following initial disclosures based upon their current knowledge of the facts relevant to the claims and defenses in this action. In making these initial disclosures, Respondents do not waive any objection to the relevance of any information and/or documents identified herein. Respondents reserve the right to modify, amend, retract, or supplement these initial disclosures as this matter proceeds and as additional information becomes available.

- (1) The name, and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the allegations of the Commission's complaint, to the proposed relief, or to the defenses of the Respondent**

Respondents set forth below the names and last known addresses and telephone numbers, if any, of individuals they currently believe are likely to have discoverable information relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the Respondents. The identification of the below-identified individuals and entities is based upon information reasonably available to Respondents at this time. Respondents reserve the right to

supplement this list as discovery progresses. Additionally, by making this disclosure, Respondents do not waive any objection to the relevance or admissibility of the testimony of any of the following persons or entities, or any other appropriate objections including, among others, attorney-client privilege, work product, and/or other applicable protections. Subject to the foregoing, Respondents identify the following persons and entities:

- a) David J. Jeansonne, II
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

- b) Authorized Representative(-s) of Traffic Jam Events, LLC
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

- c) Justin Brophy
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

- d) Chad Bullock
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

- e) Jim Whelan
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

- f) William Lilley
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584
- g) Michael Kastrenakes
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170
- h) Mike Taylor
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170
- i) Authorized Representative(-s) of MK Automotive, Inc. d/b/a/ New Wave Auto Sales (“New Wave”)
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170
- j) Authorized Representative(-s) of Landers McLarty Nissan
6520 University Dr. NW
Huntsville, AL 35806
(256) 203-8191
- k) Authorized Representative(-s) of Dothan Chrysler Dodge Jeep Ram FIAT
4074 Ross Clark Cir
Dothan, AL 36303
(334) 794-0606
- l) Jay Mayfield
Senior Public Affairs Specialist
Federal Trade Commission
- m) Emilie Saunders
Federal Trade Commission
- n) Kathleen Nolan
Federal Trade Commission

- o) Eleni Broadwell
Federal Trade Commission
 - p) Authorized Representative(-s) of the Florida Attorney General’s Office
 - q) Authorized Representative(-s) of the Alabama Attorney General’s Office
 - r) Victoria Price
WFLA – Tampa
P.O. Box 1410
Tampa, FL 33601
 - s) Kyle Martin
3102 Carter Path
Orlando, FL 34484
 - t) Eric Wissenbach
34769 Orchid Parkway
Dade City, FL 33523
 - u) Thomas Andrews
Brooksville, FL
 - v) Any other persons that may have allegedly lodged complaints regarding the Mailers
 - w) Any persons that may have received the three (3) advertisements that are the subject of the Complaint
 - x) Any persons or entities identified or disclosed by the Commission
 - y) Any persons or entities necessary to authenticate documents
 - z) Any persons or entities possessing relevant information identified during discovery
 - aa) Any expert witnesses who may be called to testify at the hearing of this matter by Respondents
- (2) a description by category and location of, all documents and electronically stored information including declarations, transcripts of investigational hearings and depositions, and tangible things in the possession, custody, or control of the Commission or Respondent(s) that are relevant to the allegations of the Commission's complaint, to the proposed relief, or to the defenses of the Respondent**

Pursuant to Rule 3.31(b)(2), Respondents provide the following “description by category and location of[] all documents and electronically stored information in the possession, custody,

or control of the Commission or respondent(s) that are relevant to the allegations of the Commission's Complaint, to the proposed relief, or to the defenses of the respondent[,]" subject to the limitations set forth therein. The identification of the below-identified categories of documents and electronically stored information is based upon information reasonably available to Respondents at this time. Respondents reserve the right to supplement this list as discovery progresses. Additionally, by making this disclosure, Respondents do not waive any objection to the relevance or admissibility of any of the documents or electronically stored information within any of the following categories or any other appropriate objections including, among others, attorney-client privilege, work product, and/or other applicable protections. Subject to the foregoing, Respondents identify the following documents and electronically stored information and/or categories of documents and electronically stored information. Unless noted otherwise, the following are maintained in the regular course of business of Traffic Jam and are located at its offices and/or in the custody or control of undersigned.

- a) The three (3) mailers identified in the Complaint (the "Mailers");
- b) Documentation relating to the creation of the Mailers;
- c) Documentation relating to the dissemination of the Mailers;
- d) Documentation relating to the procuring of the Mailers;
- e) Documentation relating to the approval of the Mailers;
- f) Documentation relating to payments made by Mr. Kasternakes and/or New Wave in connection with the mailers sent in Florida on behalf of New Wave;
- g) Documentation relating to the sales that were the subject of the Mailers;
- h) The consent agreements entered into between Respondents and the Attorney General Offices for the states of Indiana and Kansas and other select documentation relating to the circumstances related thereto;

- i) Correspondence or other documentation between Mr. Kasternakes and/or New Wave and Mr. Jeansonne and/or Traffic Jam, relating to Mr. Kasternakes' and/or New Wave's knowledge of and participation in connection with the Mailers;
- j) Documentation relating to any agreements by and between Mr. Kastrenakes and the Florida Attorney General's Office and/or the FTC;
- k) All communications between FTC staff and the Florida AG's office, or any other state AG office;
- l) Advertisements by others in the industry, and other like advertisements;
- m) The law of the states of Florida and Alabama regulating commerce therein;
- n) Testimony and evidence offered in the matter entitled *Federal Trade Commission v. Traffic Jam Events, LLC et al.*, CV No. 2:20-CV-1740-WBV-DMD (Ed. La. 2020);
- o) Documents relating to the Commissions' vote to file the Complaint in the instant matter (within the administrative agency's possession);
- p) Any documents produced by Complaint Counsel in its initial disclosures, discovery, or otherwise;
- q) Any documents produced by a third party pursuant to a subpoena or otherwise in this matter;
- r) Any and all pertinent writings, documents, and other tangible evidence produced and/or identified through discovery related to Respondents' claims or defenses;
- s) Any document(s) necessary for impeachment and/or rebuttal.

Respectfully Submitted,

/s/ L. Etienne Balart

L. ETIENNE BALART (La. #24951)
 LAUREN C. MASTIO (La. #33077)
 JENNIFER A. DAVID (La. #37092)
 TAYLOR K. WIMBERLY (La. #38942)
 Jones Walker LLP
 201 St. Charles Avenue – 49th Floor
 New Orleans, LA 70170
 Telephone: (504) 582-8584
 Facsimile: (504) 589-8584
 Email: ebalart@joneswalker.com
 lmastio@@joneswalker.com

jdavid@joneswalker.com
twimberly@joneswalker.com
**Counsel for Respondents, Traffic Jam Events,
LLC and David J. Jeansonne II**

CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondents' Initial Disclosures has been forwarded to
Complaint Counsel by email on September 7, 2020.

/s/ L. Etienne Balart

EXHIBIT B

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.37(a), Complaint Counsel hereby requests that Respondent Traffic Jam Events, LLC produce all documents, electronically stored information, and other things in its possession, custody, or control responsive to the following requests within 30 days at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, CC-8232.

I. DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in this Schedule is intended to have the broadest meaning permitted under the Federal Trade Commission's Rules of Practice.

1. “**Advertisement(s)**” means any written or verbal statement, illustration, or depiction that promotes the sale or use of a good or service or is designed to increase consumer interest in a brand, product, or service. Advertising media includes, but is not limited to: packaging and labeling; mailers; promotional materials; print; television; radio; and Internet, social media, and other digital content.
2. “**Agreement(s)**” means any oral or written contract, arrangement, or understanding, whether formal or informal, between two or more persons, together with all modification or amendments thereto.
3. “**And**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
4. “**Any**” shall be construed to include “all,” and “all” shall be construed to include the word “any.”

5. “**Communication(s)**” means any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written or oral, and all discussions, meetings, presentations, telephone communications, text messages, instant messaging, or email.
6. “**Complaint**” means any written, oral, or electronic complaint, accusation, allegation, arbitration, challenge, charge, claim, criticism, demand, dispute, grievance, lawsuit, mediation, or objection.
7. “**Document**” or “**Documents**” are synonymous in meaning and equal in scope to the usage of the terms as defined by 16 C.F.R. § 3.34(b), and includes, without limitation, the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, journal, agenda, minute, code book, or label. “**Document**” shall also include electronically stored information (“ESI”). ESI means the complete original and any nonidentical copy (whether different from the original because of notations, different metadata, or otherwise), regardless of origin or location, of any electronically created or stored information, including, but not limited to, electronic mail, instant messaging, videoconferencing, and other electronic correspondence (whether active, archived, or in a deleted items folder), word processing files, spreadsheets, databases, and sound recordings, whether stored on cards, magnetic or electronic tapes, disks, computer files, computer or other drives, cell phones, Blackberry, PDA, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.
8. “**Each**” shall be construed to include “**every**,” and “**every**” shall be construed to include “**each**.”
9. “**Includes**” or “**including**” means “including, but not limited to,” so as to avoid excluding any information that might otherwise be construed to be within the scope of any document request.
10. “**Individual Respondent**” means David J. Jeanson II.
11. “**Or**” as well as “**and**” shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any document request all documents that otherwise might be construed to be outside the scope.
12. “**Person**” or “**Persons**” means all natural persons, corporations, partnerships or other business associations, and all other legal entities, including all members, officers, predecessors, assigns, divisions, affiliates, and subsidiaries.

13. **“Promotional material”** means any document or thing designed or used to create interest in the purchasing of goods or services that is not counted as advertising, including, but not limited to: press releases, video news releases, and other communications with any print, television, or radio media, or any website designer, developer, manager, or host, or any online service; coupons; and payments for shelf space.
14. **“Relating to”** means discussing, describing, reflecting, referring, containing, analyzing, studying, reporting, commenting, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.
15. **“You” or “Your”** means Traffic Jam Events, LLC, or any agent, employee, officer, or representative thereof.
16. The use of the singular includes the plural, and the plural includes the singular.
17. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.
18. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by the Requests for Production shall include all documents created or in effect from **January 1, 2015 to the present**.
2. Documents that may be responsive to more than one Request need not be submitted more than once; however, your response shall indicate, for each document submitted, each Specification to which the document is responsive.
3. A complete copy of each document should be submitted even if only a portion of the document is within the terms of the Document Request. The document shall not be edited, cut, or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables, or other attachments.
4. All information submitted shall be clearly and precisely identified as to the Document Request(s) to which it is responsive. Each page submitted should be marked with a unique “Bates” document tracking number.
5. Documents covered by these specifications are those that are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity including attorneys, accountants, directors, officers, employees, independent contractors, and volunteers.
6. If any of the responsive documents are in the form of ESI, please produce these documents in their existing, native formats.

7. **Advertisements and Promotional material** submitted in response to these Requests for Production shall be submitted in the following form(s): For print documents, provide the original promotional material if available, or, if not available, color copies thereof. For audio-only (or radio) materials, provide a tape cassette or CD containing an audio file in a standard format, as well as a script and, if available, any audio out-takes. For video recordings, such as television advertisements, provide a DVD, CD, or VHS cassette containing a video file in a standard format, as well as a photoboard, script, and, if available, any video out-takes for each video recording. For Internet or other online materials, provide a CD (if in machine-readable form) or a clear color printout of all screens displayed in the promotional material and identify the site, forum, or address. For email, please produce in their existing native format.

8. If any requested material is withheld based on a claim of privilege, submit, together with such claim, a schedule of items withheld that states individually for each item withheld: (a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that item as privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

9. The Document Requests are continuing in character so as to require you to produce additional information promptly upon obtaining or discovering different, new, or further information before the close of discovery on February 19, 2021.

10. You are hereby advised that Complaint Counsel will move, if any party files any dispositive motion, or at the commencement of trial, to preclude you from presenting evidence regarding responsive matters you have failed to set forth in your answers to these Document Requests.

I. REQUESTS FOR PRODUCTION

Demand is hereby made of Respondent Traffic Jam Events for the following documentary and tangible things:

1. **Documents** sufficient to show all products and services offered or sold by **You**, including, but not limited to, a copy of each **Advertisement** and **Promotional Material** relating to the sale or offer for sale of any new or used motor vehicle or closed-end credit.
2. **Documents** sufficient to show all **Agreements** between **You** and any automotive dealership.
3. **Documents** sufficient to show any relationship between **You** and **Platinum Plus Printing, LLC**, including any **Agreements**.
4. **Documents** sufficient to show all payments, including in-kind payments and purchases of goods and services, between the **You** and any automotive dealership, including each payment amount, the date of each payment, and the reason for the payment.
5. All **Documents** relating to creating, developing, reviewing, editing, approving, or disseminating any **Advertisements** and **Promotional Materials** identified in response to

Request for Production No. 1, including any documents substantiating or calling into question or disproving any claim in each **Advertisement** or **Promotional Material**.

6. All dissemination schedules for each **Advertisement** and **Promotional Material** identified in response to Request for Production No. 1, including, without limitation, documents sufficient to show (i) the media type, (ii) the beginning and ending dates of dissemination for each **Advertisement** and **Promotional Material**, (iii) the number of disseminations, (iv) the identity of each **Person** to whom each **Advertisement** and **Promotional Material** was disseminated, including the **Person's** name, address, telephone number, and email address.

7. All **Documents** relating to each **Person** identified in response to Request for Production No. 6, including all communications with the **Person**.

8. **Documents** sufficient to show any relationship between **You** and the domain name myprizestatus.com, and any other domain referenced in any **Advertisement** or **Promotional Material** identified in response to Request for Production No. 1, including any (i) **Agreements**, (ii) a copy of all screens displayed on each such domain, and (iii) any **Documents** relating to any inquiries or visits by any **Person** identified in response to Request for Production No. 6.

9. **Documents** sufficient to show any relationship between **You** and the telephone numbers 1-800-251-1527, 888-488-8843, and any other telephone numbers referenced in any **Advertisement** or **Promotional Material**, including (i) any **Agreements**, (ii) any call scripts, instructions, or manuals relating to communications with any **Person** identified in response to Request for Production No. 6, (iii) any communications by such **Persons** to those telephone numbers, and (iv) any inbound and outbound call logs for each telephone number.

10. All business plans, proposals, financial analyses, market or sales strategies, sales projections, sales pitches or prospectuses, or return on investment (ROI) analyses relating to any **Advertisement** and **Promotional Material** identified in response to Request for Production No. 1.

11. All **Communications** relating to any **Advertisement** and **Promotional Material** identified in response to Request for Production No. 1.

12. All **Communications** relating to the Federal Trade Commission.

13. All **documents** relating to compliance with any laws, rules, or regulations relating to consumer protection or advertising and marketing.

14. All **Documents** relating to any **Complaint** relating to (i) **Traffic Jam Events** or (ii) any **Advertisement** or **Promotional Material** identified in response to Request for Production No. 1, including but not limited to any **Complaint** from any Better Business Bureau, **your** response to any **Complaint**, **Traffic Jam Event's** response to any **Complaint**, any settlement or resolution.

15. All **Documents** relating to any audits, inquiries, investigations, proceedings, subpoenas, civil investigative demands, or reviews by any federal, state, county, or local agencies, including any determinations, findings, recommendations, reports, citations, fines, penalties, resolutions, or settlements relating to any **Advertisement** or **Promotional Material**.

16. **Documents** sufficient to identify the **Person** or **Persons** with any responsibilities for or on behalf of **You** relating to any **Advertisement** or **Promotional Material**, including a description of the functions performed by each **Person** and the **Person's** full name, job title, company, and current employment status, and, if the **Person** is a company or other entity, its name and address.

Respectfully submitted,

September 10, 2020

By: /s/ Thomas J. Widor

Thomas J. Widor
Federal Trade Commission
Bureau of Consumer Protection
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20506

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2020, I caused the foregoing document to be served via electronic mail to:

L. Etienne Balart
Lauren Mastio
Jennifer Brickman
Jones Walker LLP
201 St. Charles Ave
New Orleans, LA 70170-5100
ebalart@joneswalker.com
lmastio@joneswalker.com
jbrickman@joneswalker.com

Counsel for Respondents

September 10, 2020

By: /s/ Thomas J. Widor
Thomas J. Widor
Federal Trade Commission
Bureau of Consumer Protection

EXHIBIT C

Broadwell, Eleni

From: Brickman, Jennifer <jbrickman@joneswalker.com>
Sent: Tuesday, October 6, 2020 11:11 AM
To: Widor, Thomas; Balart, Etienne
Cc: Mastio, Lauren; Shahrabi, Sanya; Broadwell, Eleni
Subject: RE: [EXTERNAL] In re Traffic Jam Events -- Complaint Counsel's First Set of Discovery Requests

They are getting on the call in 1 min. Apologies for the delay.

Jennifer Brickman | Legal Secretary
Jones Walker LLP
D: 504.582.8219
JBrickman@joneswalker.com

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

From: Widor, Thomas <twidor@ftc.gov>
Sent: Tuesday, October 6, 2020 10:06 AM
To: Balart, Etienne <ebalart@joneswalker.com>
Cc: Brickman, Jennifer <jbrickman@joneswalker.com>; Mastio, Lauren <lmastio@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: RE: [EXTERNAL] In re Traffic Jam Events -- Complaint Counsel's First Set of Discovery Requests

All,

The line is open, and we are on from the FTC. Let us know if you need to reschedule. I'll keep it open another 5 minutes or so.

Tom

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

From: Widor, Thomas
Sent: Monday, October 5, 2020 6:09 PM
To: 'Balart, Etienne' <ebalart@joneswalker.com>
Cc: Brickman, Jennifer <jbrickman@joneswalker.com>; Mastio, Lauren <lmastio@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: RE: [EXTERNAL] In re Traffic Jam Events -- Complaint Counsel's First Set of Discovery Requests

Safe travels. Let's plan for 11am EST/10am CST time. We can use my call-in number:

Call in:

Tom

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Monday, October 5, 2020 12:39 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Brickman, Jennifer <jbrickman@joneswalker.com>; Mastio, Lauren <lmastio@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>

Let's do the Tuesday am slot as I am traveling back to NO today.

Sent from my iPhone

> On Oct 2, 2020, at 8:11 AM, Widor, Thomas <twidor@ftc.gov> wrote:

>

> Etienne,

>

> We are open to negotiating an extension of time. Can we schedule a meet and confer for either Monday or Tuesday to discuss a rolling production schedule beginning with the documents already identified in Respondents initial disclosures and any issues or objections that you foresee to any of the pending requests that we can try to address and resolve?

>

> We also would like to discuss the status of Platinum Plus Printing as we understand Mr. Jeansonne may have some ownership interest and want to be cognizant of any represented party issues.

>

> We are generally available except 12-3pm EST on Monday and 10-11:30am and 2-3pm EST on Tuesday.

>

> Tom

>

> -----Original Message-----

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

> Sent: Thursday, October 1, 2020 3:57 PM

> To: Widor, Thomas <twidor@ftc.gov>

> Cc: Brickman, Jennifer <jbrickman@joneswalker.com>; Mastio, Lauren

> <lmastio@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>;

> Broadwell, Eleni <ebroadwell@ftc.gov>

> Subject: Re: [EXTERNAL] In re Traffic Jam Events -- Complaint

> Counsel's First Set of Discovery Requests

>

> Tom,

>

> We would like to request an extension to respond of 20 days. Is that agreeable?

>

> Sent from my iPhone

>

> On Sep 10, 2020, at 8:01 PM, Widor, Thomas <twidor@ftc.gov> wrote:

>

>

> Counsel,

>

> Attached, please find Complaint Counsel's first set of discovery requests to Traffic Jam Events, Docket No. 9395.

>

> Sincerely,

>

> 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>
>
> <CC's First Set of Requests for Production to Traffic Jam Events,
> LLC.pdf>

EXHIBIT D

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

In the Matter of

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

and

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

DOCKET NO. 9395

RESPONDENTS' PRELIMINARY WITNESS LIST

Respondents, Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne, II (collectively, “Respondents”), through undersigned counsel and pursuant to the Court’s Scheduling Order dated September 4, 2020, provide the following witnesses regarding the claims and defenses in this action. Respondents reserve the right to modify, amend, retract, or supplement this Preliminary List as this matter proceeds and as additional information becomes available.

- 1) David J. Jeansonne, II
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission’s complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 2) Authorized Representative(-s) of Traffic Jam Events, LLC
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 3) Justin Brophy
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 4) Chad Bullock
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 5) Jim Whelan
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 6) William Lilley
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 7) Michael Kastrenakes
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 8) Mike Taylor
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 9) Authorized Representative(-s) of MK Automotive, Inc. d/b/a/ New Wave Auto Sales ("New Wave")
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 10) Authorized Representative(-s) of Landers McLarty Nissan
6520 University Dr. NW
Huntsville, AL 35806
(256) 203-8191

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 11) Authorized Representative(-s) of Dothan Chrysler Dodge Jeep Ram FIAT
4074 Ross Clark Cir

Dothan, AL 36303
(334) 794-0606

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 12) Jay Mayfield
Senior Public Affairs Specialist
Federal Trade Commission

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 13) Emilie Saunders
Federal Trade Commission

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 14) Kathleen Nolan
Federal Trade Commission

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 15) Eleni Broadwell
Federal Trade Commission

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 16) Authorized Representative(-s) of the Florida Attorney General's Office

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 17) Authorized Representative(-s) of the Alabama Attorney General's Office

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 18) Victoria Price
WFLA – Tampa
P.O. Box 1410
Tampa, FL 33601

Proposed Testimony: The public interest determination and the circumstances surrounding the initiation of this Litigation; discussion with the Florida Attorney General's Office; the allegations of the Commission's complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.

- 19) Kyle Martin
3102 Carter Path
Orlando, FL 34484

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities, and the defenses of the Respondents.

- 20) Eric Wissenbach
34769 Orchid Parkway
Dade City, FL 33523

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities, and the defenses of the Respondents.

- 21) Thomas Andrews
Brooksville, FL

Proposed Testimony: The allegations of the Commission's complaint, the facts underlying the complained of activities, and the defenses of the Respondents.

- 22) Any other persons that may have allegedly lodged complaints regarding the Mailers

- 23) Any persons that may have received the three (3) advertisements that are the subject of the Complaint
- 24) Any persons or entities identified or disclosed by the Commission
- 25) Any persons or entities necessary to authenticate documents
- 26) Any persons or entities possessing relevant information identified during discovery
- 27) Any expert witnesses who may be called to testify at the hearing of this matter by Respondents

Respectfully Submitted,

/s/ L. Etienne Balart

L. ETIENNE BALART (La. #24951)
LAUREN C. MASTIO (La. #33077)
JENNIFER A. DAVID (La. #37092)
TAYLOR K. WIMBERLY (La. #38942)
Jones Walker LLP
201 St. Charles Avenue – 49th Floor
New Orleans, LA 70170
Telephone: (504) 582-8584
Facsimile: (504) 589-8584
Email: ebalart@joneswalker.com
lmastio@joneswalker.com
jdavid@joneswalker.com
twimberly@joneswalker.com
**Counsel for Respondents, Traffic Jam Events,
LLC and David J. Jeanson II**

CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondents' Initial Disclosures has been forwarded to Complaint Counsel by email on October 6, 2020.

/s/ L. Etienne Balart

EXHIBIT E

TO: Etienne Balart
Lauren Mastio
Jennifer Brickman
Jones Walker LLP
201 St Charles Ave #5100
New Orleans, LA 70170

Email: Ebalart@joneswalker.com; lmastio@joneswalker.com;
jbrickman@joneswalker.com

DATE: October 9, 2020

RE: *In re Traffic Jam Events, LLC et al.*, D9395

Counsel,

To follow up on our telephonic meet and confer on October 6, 2020 concerning Respondents' discovery responses, we write to again request that Respondents comply with their discovery obligations and provide the required outstanding disclosures and responses. Respondents have no valid, good faith basis to limit responses and discovery to three examples of deceptive advertising cited in the Complaint. Further, what little Respondents have provided is inadequate and incomplete.

1. Respondents' Initial Disclosures Are Incomplete and Inadequate.

As discussed on October 6, 2020, Respondents have failed to provide complete and adequate disclosures pursuant to Rule 3.31 of the Federal Trade Commission's Rules of Practice. Rule 3.31 requires the disclosure of the name and contact information, if known, of each individual and a copy of, or a description by category and location of, all documents and electronically stored information . . . , and tangible things in the possession, custody, or control of the respondents "relevant to the allegations of the Commission's complaint, to the proposed relief, or to the defenses of the respondent." Rule 3.31(c)(1) makes clear that the scope of

discovery is “to the extent that it may be reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of any respondent.”

Respondents’ initial disclosures were due September 3, 2020, but the parties agreed to give Respondents until September 7 to provide additional time for Respondents to reasonably investigate and make their disclosures. Notwithstanding the extension, the initial disclosures fail to provide complete or adequate information. In particular, as Mr. Balart acknowledged during the meet and confer, Respondents have limited their initial disclosures—and intend to limit all their discovery responses—to only provide information about the three exemplar, deceptive advertisements cited in the Complaint.

There is no legal or factual basis to support Respondents’ position. During the meet and confer, Respondents did not articulate any clear, valid basis for their refusal other than a suggestion that the Commerce Clause precludes the action completely and that the Commission is always required to make case-by-case public interest determinations of each piece of advertisement before pursuing an administrative enforcement action. Neither of these arguments have any merit.

Rule 3.31 makes clear that Respondents must provide information that is relevant to the allegations in the Complaint. The well-pled allegations of the Complaint charge multiple counts of deceptive conduct, including two violations of the FTC Act and one violation of the Truth in Lending Act, relating to Respondents’ advertising and marketing practices. The Complaint makes clear that the advertisements cited in the complaint are not exclusive and merely examples. *See, e.g.*, Compl. ¶¶ 5, 9, and 12-14; *see also* Counts I, II, and III. The Complaint also more than adequately pleads that Respondents engaged in acts or practices in or effecting commerce by, among other things, soliciting dealerships and disseminating deceptive advertisements nationwide, such as from Alabama to Florida to Indiana to Kansas.

Further, what little Respondents have provided is vague and inadequate. For example, Respondents only supplied general information naming “authorized representative(s) of dealerships” even though the specific names and contact information for individuals that have interacted with Respondents or who may have relevant information should already be known or is easily obtainable by Respondents.

2. Responses to Complaint Counsel’s First Set of Requests for Production.

In addition to the deficiencies with Respondents’ Initial Disclosures, Respondents indicated that they similarly intend to limit their responses to Complaint Counsel’s First Set of Requests for Production, which are due October 10, 2020, unless Judge Chappell rejects their position and orders Respondents to provide complete and sufficient responses and discovery. For the reasons discussed above, Respondents lack a good faith basis for their position. We request that Respondents reconsider their position and comply with their discovery obligations without the need for court action.

3. Respondents' Preliminary Witness List is Incomplete and Fails to Provide Sufficient Specificity.

Since our meet and confer, Respondents also have provided a Preliminary Witness List that fails to comply with the September 4, 2020 Scheduling Order. Specifically, the Scheduling Order requires “a brief summary of the proposed testimony” but, for at least eleven witnesses, Respondents merely repeat that they will testify as to “[t]he allegations of the Commission’s complaint, the facts underlying the complained of activities and the proposed relief, and the defenses of the Respondents.” Such boilerplate language fails to provide any meaningful summary of the testimony.

Please correct, supplement, or provide the required responses and discovery by Thursday, October 15, 2020. We hope to avoid having to file a motion to compel on Friday, October 16, 2020. If you have any questions or need additional information, you can reach me at twidor@ftc.gov or 202-326-3039.

Sincerely,



Thomas J. Widor

cc: Sanya Shahrabi

Broadwell, Eleni

From: Widor, Thomas
Sent: Friday, October 9, 2020 3:21 PM
To: Balart, Etienne; Mastio, Lauren; Brickman, Jennifer
Cc: Shahrabi, Sanya; Broadwell, Eleni
Subject: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies
Attachments: 2020-10-09 Ltr to Respondents re discovery deficiencies.pdf

Counsel,

Following our meet and confer on Tuesday, October 6, 2020, please find attached a letter outlining Respondents' discovery deficiencies and requesting that Respondents correct, supplement, or provide the required responses and discovery by Thursday, October 15, 2020.

Sincerely,

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

EXHIBIT F

Broadwell, Eleni

From: Widor, Thomas
Sent: Friday, October 16, 2020 9:46 AM
To: Balart, Etienne
Cc: Shahrasbi, Sanya; Mastio, Lauren; Brickman, Jennifer; Broadwell, Eleni
Subject: RE: [EXTERNAL] RE: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Etienne,

Unfortunately, given the short discovery period and the lack of any meaningful discovery responses, we cannot agree to further delay by Respondents. Respondents have been on notice for nearly 10 days since last Tuesday, October 6. On our telephone call on Tuesday, we discussed the scope of discovery and the problems with Respondents' initial disclosures. At that time, you made clear Respondents' position that Respondents would be limiting all discovery to the specific examples cited in the Complaint. I explained that the Complaint was not limited to the examples and that the scope of discovery encompassed information and material reasonably expected to yield relevant information to the allegations, proposed relief, and defenses. You again disagreed and indicated the question would need to be settled by Judge Chappell.

You since have been in possession of our letter for a week since last Friday, October 9, which laid out our legal basis, requested Respondents comply with their discovery obligations, and indicated we would file a motion to compel by this Friday. In your response, you stated that you would "further analyze [the] letter, and reserve the right to supplement this response in the time frame [we] have outline[d]." You never responded until we again had to contact you.

The issue you raise is a fundamental disagreement over the scope of discovery that we have now discussed repeatedly by telephone and through numerous email exchanges since last Friday with no progress. There is no change in either parties' positions. Respondents' position lacks any legal or factual basis. The most Respondents have proposed to comply with their discovery obligations has been conditioned on Complaint Counsel "agree[ing] that the Complaint is limited to the factual charges the FTC has voted on and the mailers cited therein." We do not see how further "comprehensive and substantive discussion" of that position on Monday will result in the parties reaching an agreement, rather than further delay and serious prejudice to Complaint Counsel's ability to proceed with discovery.

We are available to discuss today prior to filing the motion if you, Lauren, or any other Jones Walker attorneys on this matter would like to confer again to work out an acceptable production schedule.

Tom W

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Thursday, October 15, 2020 8:17 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Mastio, Lauren <lmastio@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: Re: [EXTERNAL] RE: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Tom,

I do not think that less than 24 hour notice to address the issue is appropriate and, additionally am not available to confer until Monday morning at the earliest. I repeat, I don't see how letters sent before discovery responses were

Etienne

Sent from my iPhone

On Oct 15, 2020, at 6:52 PM, Widor, Thomas <twidor@ftc.gov> wrote:

Etienne,

We are happy to confer yet again tomorrow morning. Let us know if 9:30 am EST/8:30 am CST works.

In addition to last week's telephone call, we laid out the deficiencies in our October 19, 2020 letter along with the legal basis for our positions. On last week's call you made clear that Respondents would not produce anything in discovery beyond the three mailers cited in the complaint unless the Judge tells otherwise. You again confirmed in the response to our letter that Respondents would be limiting their responses to the mailers. Notwithstanding the legal position we laid out on the call and in the letter, Respondents have held true to their staked position and provided incomplete discovery responses that mainly repeat boilerplate objections. Respondents produced a total of 14 documents, and, based on the response, Respondents do not even appear to have conducted any real diligent searches, especially of electronically stored information.

We look forward to speaking with you tomorrow morning and hope we can engage in some meaningful progress concerning the parties' positions on the scope of discovery. In advance, we would appreciate knowing any actual legal authority Respondents can provide supporting their objections or refusal to comply.

Best,

Tom W.

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Thursday, October 15, 2020 6:41 PM
To: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Widor, Thomas <twidor@ftc.gov>; Mastio, Lauren <lmastio@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>
Cc: Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: RE: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Sanya,

A few things. We disagree that the meet and confer requirement has been met for any of the mentioned topics. The whole purpose of the meet and confer is to discuss the substance of the responses, the legal support for the relevance of the requested items, and any reasonable compromises. None of that has happened. We scheduled a call to talk about, per Tom's email, the following:

> We are open to negotiating an extension of time. Can we schedule a meet and confer for either Monday or Tuesday to discuss a rolling production schedule beginning with the documents already identified in Respondents initial disclosures and any issues or objections that you foresee to any of the pending requests that we can try to address and resolve?

Notably absent from this request was a listing of a disagreement over the "scope of discovery." This was not raised until we had the call, and was done in a way that simply could not have provided a meaningful opportunity to "meet and confer." This is especially true with respect to two documents that had not even been filed as of this date: the

preliminary witness list and the discovery responses. At a minimum, I am not sure how you could represent to the Court that we have “met and conferred” on the specific responses to discovery when, in fact, no such discussion has been had. I pointed out some of the deficiencies in the position the FTC expressed during our call in my email to you and Tom on October 9, 2020.

If you would like to file a motion challenging the sufficiency of the initial disclosures, you at least have semi-fulfilled the meet and confer requirement I still believe the FTC has not met the obligation to truly meet and confer (a few helpful pieces of information would be a better understanding of what limits, if any, the FTC thinks are not relevant for the entire 6.5 year time period, as opposed to what is in the Complaint, and under what legal authority the FTC can vote out a Complain on actual events and then simply ask for information that was never deemed actionable). As the record now stands, Respondents have not been provided any such explanation other than the conclusory “the FTC deems relevant anything it wants to deem relevant for the last 6.5 years.” That presents quite the challenge to respond to, as I am sure you can imagine.

With respect to the remaining two items, we very clearly have not had a meet and confer on either, so any such filing would be premature. I am happy to schedule a time to substantively discuss both the preliminary witness list, the specific deficiencies the FTC feels exist, reasonable accommodations to those deficiencies, and any specific issues you have with respect to the specific discovery responses. Please let me know what time works for you and/or Tom.

Etienne

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

From: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Sent: Thursday, October 15, 2020 5:21 PM
To: Balart, Etienne <ebalart@joneswalker.com>; Widor, Thomas <twidor@ftc.gov>; Mastio, Lauren <lmastio@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>
Cc: Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: [EXTERNAL] RE: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Counsel,

Notwithstanding our letter sent on October 9, 2020, we have yet to receive corrected initial disclosures, complete discovery responses, or a preliminary witness list with the level of specificity required by the Scheduling Order. Your response to our letter reiterated the view that discovery is limited to “the mailers cited” in the Complaint. While you indicated you would further analyze our letter, we have not received any additional response. As we fundamentally disagree on the scope of discovery, we intend to file a motion to compel with the Court tomorrow.

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

From: Balart, Etienne <ebalart@joneswalker.com<mailto:ebalart@joneswalker.com>>
Sent: Friday, October 9, 2020 12:58 PM
To: Widor, Thomas <twidor@ftc.gov<mailto:twidor@ftc.gov>>; Mastio, Lauren
<lmastio@joneswalker.com<mailto:lmastio@joneswalker.com>>; Brickman, Jennifer
<jbrickman@joneswalker.com<mailto:jbrickman@joneswalker.com>>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov<mailto:sshahrasbi@ftc.gov>>; Broadwell, Eleni
<ebroadwell@ftc.gov<mailto:ebroadwell@ftc.gov>>
Subject: RE: In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Tom,

We are in receipt of your letter, and there are a few items to correct the record. We did not cite the Commerce Clause as a reason for limiting our responses. To the contrary, it was not until the FTC stated during our call on October 6 (which was not convened as a meet and confer, but rather to discuss our request for an extension of time to respond) that they believe the proper scope of “relevant” discovery is, basically, anything Traffic Jam Events and David Jeansonne have done since 2015, that we raised the issue of the FTC’s lack of jurisdiction based on the fact that the Act’s requirement of “commerce” has not been established.

In the event we were not clear, Respondents’ position with respect to the initial disclosures are that they have disclosed all relevant factual information related to the activities complained of in the Complaint. The Complaint that was voted on by the commission is based upon the allegation that through the identified mailers, Respondents have violated the Act. We would ask that you provide the statutory authority for allowing the FTC to exert authority beyond what is specifically set forth in sec. 45(b) of the Act, and the power to prevent current and ongoing unfair methods of competition. Sec. 45(a)(1). Based upon your representations, you seem to be articulating a position that the Commission has determined that Respondents have been engaging in unlawful conduct beginning January 1, 2015. If so, what evidence was presented to the Commission to justify this determination, and why was none of it included in the FTC’s Complaint filed in the Eastern District? I am sure you can see how these glaring inconsistencies cause us some concern.

As respects the Preliminary Witness list, given the position that the FTC is taking currently, i.e. that any activity is fair game, how can we not be allowed to use similar “boilerplate” language to describe potential witness testimony. Stated differently, as you have now made clear, the FTC intends to make the Complaint about anything it unilaterally deems “relevant;” thus, the only protection afforded to Respondents is to refer back to the allegations the FTC has chosen to make. If you would like more “detailed” witness summaries, and we can agree that the Complaint is limited to the factual charges the FTC has voted on and the mailers cited therein, we would be happy to further clarify and refine Respondents’ Preliminary Witness List and Initial Disclosures.

I will further analyze your letter, and reserve the right to supplement this response in the time frame you have outline. Have an enjoyable weekend.

Etienne

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, October 9, 2020 2:21 PM

To: Balart, Etienne <ebalart@joneswalker.com<mailto:ebalart@joneswalker.com>>; Mastio, Lauren <lmastio@joneswalker.com<mailto:lmastio@joneswalker.com>>; Brickman, Jennifer <jbrickman@joneswalker.com<mailto:jbrickman@joneswalker.com>>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov<mailto:sshahrabi@ftc.gov>>; Broadwell, Eleni <ebroadwell@ftc.gov<mailto:ebroadwell@ftc.gov>>
Subject: [EXTERNAL] In re Traffic Jam Events, LLC, D9395 -- Respondents discovery deficiencies

Counsel,

Following our meet and confer on Tuesday, October 6, 2020, please find attached a letter outlining Respondents' discovery deficiencies and requesting that Respondents correct, supplement, or provide the required responses and discovery by Thursday, October 15, 2020.

Sincerely,

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>

EXHIBIT G

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

In the Matter of

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

and

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

DOCKET NO. 9395

**TRAFFIC JAM EVENTS, LLC AND DAVID J. JEANSONNE II'S
RESPONSES TO FEDERAL TRADE COMMISSIONS'
FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS**

Respondents, Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne, II (collectively, “Respondents”), through undersigned counsel, provide the following Objections and Responses to the Federal Trade Commissions’ First Set of Request for Production of Documents dated September 10, 2020. Respondents reserve the right to modify, amend, retract, or supplement these responses as this matter proceeds and as additional information becomes available, or through agreement to reasonably limit the scope of these requests.

GENERAL OBJECTIONS

Respondents object to the First Set of Request for Production in their entirety to the extent that they are overly broad, unduly burdensome, vague and/or ambiguous. The Complainant’s discovery request are not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent. Respondents further objects to the extent that the Request for Production can be interpreted as seeking information protected by the attorney-client and work-product privileges, as well as seeking information that is confidential, proprietary and/or includes trade-secrets or other business-sensitive, competitive

information as that term is defined in the Rules. Respondents also object to discovery of electronically stored information from sources that are not reasonably accessible because of undue burden or cost as provided in Rule 3.31(c)(3).

Moreover, with respect to Respondent David J. Jeansonne, the requests are improper to the extent that they impose upon him the duty to respond to the Requests outside of his capacity as the principal of Traffic Jam Events, LLC, the legal entity to which the complaints and allegations are directed.

SPECIFIC RESPONSES TO REQUESTS

REQUEST FOR PRODUCTION NO. 1:

Documents sufficient to show all products and services offered or sold by You, including, but not limited to, a copy of each Advertisement and Promotional Material relating to the sale or offer for sale of any new or used motor vehicle or closed-end credit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Respondents object to the Request for Production No. 1 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. Subject to these objections,

Respondents do not sell or offer for sale to the general public any new or used motor vehicle or closed-end credit.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to show all Agreements between You and any automotive dealership.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Respondents object to the Request for Production No. 2 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant.

REQUEST FOR PRODUCTION NO. 3:

Documents sufficient to show any relationship between You and Platinum Plus Printing, LLC, including any Agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Respondents object to the Request for Production No. 3 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield

information relevant to the allegations of the Complaint. Subject to these objections, Respondents have no contract or agreement with Platinum Plus Printing, LLC.

REQUEST FOR PRODUCTION NO. 4:

Documents sufficient to show all payments, including in-kind payments and purchases of goods and services, between the You and any automotive dealership, including each payment amount, the date of each payment, and the reason for the payment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Respondents object to the Request for Production No. 4 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint.

REQUEST FOR PRODUCTION NO. 5:

All Documents relating to creating, developing, reviewing, editing, approving, or disseminating any Advertisements and Promotional Materials identified in response to Request for Production No. 1, including any documents substantiating or calling into question or disproving any claim in each Advertisement or Promotional Material.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Respondents object to the Request for Production No. 5 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. Subject to these objections, Respondents refer to the documents produced herein, as well as all documents exchanged and identified in the matter entitled “FTC v Traffic Jam Events LLC et al.,” C.A. 2:20-cv-1740, Eastern District of Louisiana.

REQUEST FOR PRODUCTION NO. 6:

All dissemination schedules for each Advertisement and Promotional Material identified in response to Request for Production No. 1, including, without limitation, documents sufficient to show (i) the media type, (ii) the beginning and ending dates of dissemination for each Advertisement and Promotional Material, (iii) the number of disseminations, (iv) the identity of each Person to whom each Advertisement and Promotional Material was disseminated, including the Person’s name, address, telephone number, and email address.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Respondents refer Complainant to Response to Request No. 6. Respondents further state that the term “dissemination schedule” is not defined and is subject to multiple interpretations.

REQUEST FOR PRODUCTION NO. 7:

All Documents relating to each Person identified in response to Request for Production No. 6, including all communications with the Person.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Respondents refer Complainant to Response to Request No. 6.

REQUEST FOR PRODUCTION NO. 8:

Documents sufficient to show any relationship between You and the domain name myprizestatus.com, and any other domain referenced in any Advertisement or Promotional Material identified in response to Request for Production No. 1, including any (i) Agreements, (ii) a copy of all screens displayed on each such domain, and (iii) any Documents relating to any inquiries or visits by any Person identified in response to Request for Production No. 6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Respondents object to the Request for Production No. 8 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary

searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. Subject to these objections, Respondents do not own or operate the domain name myprizestatus.com.

REQUEST FOR PRODUCTION NO. 9:

Documents sufficient to show any relationship between You and the telephone numbers 1-800-251-1527, 888-488-8843, and any other telephone numbers referenced in any Advertisement or Promotional Material, including (i) any Agreements, (ii) any call scripts, instructions, or manuals relating to communications with any Person identified in response to Request for Production No. 6, (iii) any communications by such Persons to those telephone numbers, and (iv) any inbound and outbound call logs for each telephone number.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Respondents object to the Request for Production No. 9 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. Subject to these objections, Respondents do not own or operate either of the cited telephone numbers.

REQUEST FOR PRODUCTION NO. 10:

All business plans, proposals, financial analyses, market or sales strategies, sales projections, sales pitches or prospectuses, or return on investment (ROI) analyses relating to any Advertisement and Promotional Material identified in response to Request for Production No. 1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Respondents object to the Request for Production No. 10 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. Finally, Respondents object to this Request as it calls for sensitive business information containing confidential and proprietary information.

REQUEST FOR PRODUCTION NO. 11:

All Communications relating to any Advertisement and Promotional Material identified in response to Request for Production No. 1.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Respondents refer Complainant to Response to Request No. 1.

REQUEST FOR PRODUCTION NO. 12:

All Communications relating to the Federal Trade Commission.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Respondents object to Request No. 12 as calling for information protected by the attorney-client privilege and work product doctrine, or other applicable privileges. Respondents further object to this Request as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. Subject to these objections, Complainant is already in possession of all communications to or from the FTC.

REQUEST FOR PRODUCTION NO. 13:

All documents relating to compliance with any laws, rules, or regulations relating to consumer protection or advertising and marketing.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Respondents object to Request No. 13 as calling for information protected by the attorney-client privilege and work product doctrine, or other applicable privileges. Respondents further object to this Request as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. Subject to these objections, and to the

extent responsive, Complainant is already in possession of all communications to or from the FTC.

REQUEST FOR PRODUCTION NO. 14:

All Documents relating to any Complaint relating to (i) Traffic Jam Events or (ii) any Advertisement or Promotional Material identified in response to Request for Production No. 1, including but not limited to any Complaint from any Better Business Bureau, your response to any Complaint, Traffic Jam Event's response to any Complaint, any settlement or resolution.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Respondents object to Request No. 14 as calling for information protected by the attorney-client privilege and work product doctrine, or other applicable privileges. Respondents further object to this Request as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. Subject to these objections, and to the extent responsive, Complainant is already in possession of all communications to or from the FTC, Complainant has already communicated with the Florida AG and obtained documents and is therefore requesting Respondents to duplicate effort and Respondents have never been cited by the Better Business Bureau..

REQUEST FOR PRODUCTION NO. 15:

All Documents relating to any audits, inquiries, investigations, proceedings, subpoenas, civil investigative demands, or reviews by any federal, state, county, or local agencies, including

any determinations, findings, recommendations, reports, citations, fines, penalties, resolutions, or settlements relating to any Advertisement or Promotional Material.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Respondents object to Request No. 15 as calling for information protected by the attorney-client privilege and work product doctrine, or other applicable privileges. Respondents further object to this Request as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. Subject to these objections, and to the extent responsive, Complainant is already in possession of all communications to or from the FTC, Complainant has already communicated with the Florida AG and obtained documents and is therefore requesting Respondents to duplicate effort when, in fact, Complainant can obtain these documents through its own means.

REQUEST FOR PRODUCTION NO. 16:

Documents sufficient to identify the Person or Persons with any responsibilities for or on behalf of You relating to any Advertisement or Promotional Material, including a description of the functions performed by each Person and the Person's full name, job title, company, and current employment status, and, if the Person is a company or other entity, its name and address.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Respondents object to the Request for Production No. 16 as overly broad, unduly burdensome, vague and/or ambiguous. This Request, as written, is not reasonably expected to yield information relevant to the allegations of the Complaint, to the proposed relief, or to the

defenses of any respondent because it is written in a way that is completely untethered to the allegations of the Complaint and the allegedly violative, discrete actions cited by Complainant. This request also calls for the discovery of electronically stored information from sources that are not reasonably accessible to Respondents because of undue burden or cost. Respondents are a small business and individual without the ability to devote resources to make the necessary searches to locate responsive information to patently overboard requests that would yield information relevant to the allegations of the Complaint. With respect to the identity of persons with responsibilities as requested in this Request, Respondents refer Claimant to the persons identified in Respondents' Initial Disclosures.

Respectfully Submitted,

/s/ L. Etienne Balart

L. ETIENNE BALART (La. #24951)
 LAUREN C. MASTIO (La. #33077)
 JENNIFER A. DAVID (La. #37092)
 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
 lmastio@joneswalker.com
 jdavid@joneswalker.com
 twimberly@joneswalker.com

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondents' Responses to Complaint Counsel's First Set of Request for Production of Documents has been forwarded to Complaint Counsel by email on October 12, 2020.

/s/ L. Etienne Balart