

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

**COMPLAINT COUNSEL’S MOTION TO SANCTION RESPONDENTS FOR
VIOLATING THE COURT’S DISCOVERY ORDERS**

Pursuant to Rule 3.38(b), Complaint Counsel respectfully request that the Court sanction Respondents for failing to comply with this Court’s orders. Respondents have continued to disregard Court orders compelling them to produce required documents and interrogatory responses and have flouted continuing obligations to supplement or amend initial disclosures. Respondents’ willful misconduct warrants sanctions.

BACKGROUND

The Court has already twice ordered Respondents to comply with their discovery obligations. On October 28, 2020, the Court ordered Respondents to amend their Initial Disclosures and comply with Rule 3.31. *See* Order on Complaint Counsel’s Mot. To Compel. The Court also required the parties to meet and confer in good faith to address Respondents’ objections to Complaint Counsel’s Requests for Productions. *Id.*

Respondents failed to comply, necessitating a second motion to compel. On December 16, the Court granted the motion, finding Respondents’ objections “not adequately supported”

and the document production “inadequate and incomplete.” *See* Order on Complaint Counsel’s Mot. To Compel at 3. The Court also required Respondents to respond to interrogatories because “there has been no response and no objections.” *Id.* at 4. The Court ordered compliance no later than December 23. *Id.* at 4-5.

On December 23, the parties signed a proposed consent order. Widor Dec., ¶ 3. Because the proposed order would have resolved the matter if accepted by the Commission, Complaint Counsel agreed to defer Respondents’ discovery responses. *Id.* The Commission withdrew the matter from adjudication on December 28 but, on May 3, determined that “[f]urther consideration of the consent proposal is no longer in the public interest” and returned the matter to adjudication. *See* Order Returning the Matter to Adjudication.

On May 6, Complaint Counsel forwarded outstanding discovery requests and requested compliance by Wednesday, May 12. Widor Dec., ¶ 4; Exh. A. Complaint Counsel requested a meet and confer to discuss a rolling production, noting the lack of production “has been an ongoing issue since September.” *Id.* Respondents did not engage. *Id.* Respondents produced some limited materials but failed to comply as to the majority of categories: (i) Platinum Plus Printing; (ii) websites and telephone numbers on Respondents advertising; (iii) sales logs and other materials tracking consumer leads; (iv) emails and text messages; (v) complaints; (vi) compliance materials; (vii) state investigations; and (viii) persons responsible for Respondents’ advertising. *Id.* ¶ 6.

Respondents notified Complaint Counsel on Monday, May 24 that Etienne Balart of Jones Walker was representing Respondents for settlement. *Id.* ¶ 7; Exh. B. Counsel quickly became involved in discovery, responding later that day that he had advised Respondent Jeansonne “to make his office and files available for your team’s review, at the FTC’s cost.” *Id.*

Even though the December 16 Court order found that “TJE has failed to demonstrate that its objections are justified” and required Respondents to produce responsive materials, Complaint Counsel was willing to consider inspection and copying to try to resolve Respondents’ noncompliance without the Court’s involvement. *Id.* ¶ 8. Based on that representation, Complaint Counsel spoke with FTC’s litigation support to obtain a third-party vendor to collect and process the materials.¹ *Id.* ¶ 9. Respondents failed to provide basic details—all of which should be known at the initial meet and confer—to allow Complaint Counsel to conduct an inspection. *Id.* ¶¶ 9-10. The parties are well beyond the initial prehearing conference in this matter, yet Respondents remain ignorant about their discovery obligations, such as where responsive materials are located and how ESI is stored.

Respondent Jeansonne provided cursory interrogatory responses on May 27, 2020, *Id.* ¶ 11; Exh. C. Contrary to the Court’s order and Rule 3.35, each response was extremely incomplete, lacking adequate detail, or nonresponsive. *Id.*

Complaint Counsel e-mailed a summary of the outstanding issues that continued to be unresolved, asking for compliance by Monday, June 7. *Id.* ¶ 12; Exh. D. As of the time of this filing, Complaint Counsel has not received any more discovery.² *Id.* ¶ 13.

Complaint Counsel has sought to notice the depositions of numerous personnel, first on December 11, 2020, *Id.* ¶ 14; Exh. E, and again on May 18. *Id.* ¶ 15; Exh. F. Respondents refused to confirm the depositions, and Respondents’ Initial Disclosures require that these individuals be contacted through counsel. *Id.* ¶ 15-16; Exh. G. Respondents also have claimed

¹ Respondents similarly failed to follow through on their promises on a similar process in the fall, resulting in the Court’s December order. *See* Compl. Counsel’s Mot. To Compel, Shahrasi Dec. Ex. D (Dec. 7, 2020).

² Counsel emailed again on June 8 with the same empty representation that “the third party data provider can be made available,” but Respondents have yet to produce any responsive materials, seeking to put the onus on Complaint Counsel to propose a data collection protocol and further stall resolution of Respondents’ discovery abuse. *See* Widor Decl. ¶ 19; Exh. D.

that the individuals are no longer with the company but have refused to update the Initial Disclosures with new contact information or confirm whether counsel remains the point of contact. *Id.* ¶ 17. On May 28, counsel represented that he would work with Respondents but has not responded since.³ *Id.* ¶ 18.

LEGAL STANDARD

Commission Rule 3.38(b) grants the Court authority to impose discovery sanctions. The rule specifies six sanctions, including ruling “that a decision of the proceeding be rendered against the party.” Rule 3.38(b)(6). The rule also permits the Court to take “such action. . . as is just.” Sanctions may be imposed where the failure to comply is “unjustified and the sanction imposed ‘is reasonable in light of the material withheld and the purposes of Rule 3.38(b).’ ” *In re ITT Corp.*, 104 F.T.C. 280 (July 25, 1984). The Court has discretion to determine what sanctions are warranted. *In re ECM Biofilms*, 2014 FTC Lexis 171, at *12-13 (Feb. 4, 2014). A Court, however, “is not required to impose minimal sanctions and wait to see whether they work before moving to greater sanctions applicable to continuing or additional conduct.” *Edwards v. 4JLJ, LLC*, 2019 LEXIS 5395, at *14 (S.D. Tex. Jan. 11, 2019). Courts should be mindful that a “no harm, no foul” approach to discovery violations would permit parties to abuse discovery, wait for a sanctions motion, and then fix the prejudice at the last minute. *Canyon Furn. Co. v. Sanchez*, 2018 LEXIS 224455, at *49 (W.D. Tex. Nov. 8, 2018). Indeed, without adequate sanctions, future litigants would feel incentivized that, “if they want to interfere with discovery, it is worth a try—there is nothing to lose.” *Edwards*, 2019 LEXIS 5395, at *15-18; *In re Auto. Breakthrough Sciences, Inc.*, 1996 FTC LEXIS 763, *10 (Oct. 16, 1996). The explanation for a party’s failure to comply with a discovery order “is crucial in determining whether to invoke the

³ The parties have agreed to notice Respondent Jeansonne’s deposition for June 22. *Id.* ¶ 20. Complaint Counsel is likely to be without much of the responsive materials Respondents have been ordered to produce. *Id.*

sanctions.” *In re LabMD, Inc.*, 2014 FTC Lexis 42, *9 (Mar. 10, 2014). Here there is no good explanation.

ARGUMENT

I. Respondents Failed to Comply with the Court’s Order Requiring Production of Documents to Complaint Counsel’s RFPs

Complaint Counsel’s RFPs have been pending since September 10, 2020. Following the Court’s two orders requiring production by December 22, a stay of the proceedings, and additional accommodations by Complaint Counsel for a response by May 12, Respondents remain in gross violation of the Court’s order. This pattern of dilatory conduct has persisted since the start of the proceedings. Respondents have made no good faith efforts to identify responsive materials and to conduct and produce discovery in a diligent or reasonable manner. *See* Widor Decl. ¶¶ 9-10. Respondents continue to drag out identifying basic information. Offering now to allow inspection and copying does not cure Respondents noncompliance. Respondents’ have a dismal record of making such last-minute promises that never materialize and that only undermine the administrative process. Opposing counsel has made many empty promises that ESI would be produced. *See* Complaint Counsel’s Mot. to Compel., Exh. C & D (Dec. 7, 2020). As the Court has found, “the record demonstrates that the parties negotiated a number of limitations intended to address TJE’s burden objections, yet actual production in accordance with those negotiations has not occurred.” Dec. 16 Order at 3. Given all this, the Court should determine that Respondents willfully violated the Court’s orders and are likely to continue to do so.

II. Respondent Jeansonne Has Failed to Comply with the Court’s Order Requiring Responses to Complaint Counsel’s ROGs

Respondents also have refused to comply with the Court’s order requiring “complete and responsive answers to Complaint Counsel’s [ROGs] no later than December 23, 2020.” *See also*

Rule 3.35 (each interrogatory “shall be answered separately and fully in writing under oath, unless objected to”). After ignoring numerous deadlines, Respondent Jeansonne ultimately emailed cursory interrogatory responses on May 27, 2020. Widor Decl. ¶ 11, Exh. C. In violation of the Court’s order and Rule 3.35, each response was incomplete and lacking adequate detail. Some responses were 1-to-3 words, and other answers did not even respond to the request. *Id.* ¶ 11. The answers were not submitted under oath. *Id.*

III. Respondents’ Have Failed to Comply with the Court’s Order Requiring Respondents to Comply with Rule 3.31.

Respondents also continue to defy their initial disclosure obligations under Rule 3.31, which the Court has previously compelled. *See* Oct. 28, 2020 Order; Rule 3.31(e)(2) (“A party is under a duty to amend in a timely manner a prior response. . . [that] is in some material respect incomplete or incorrect”). Respondents defiance has thwarted Complaint Counsel’s ability to conduct depositions, including depositions that were first noticed for Traffic Jam Events personnel in December. Widor Decl. ¶ 15; Exh. F. The May 18 notice set the first deposition for June 8. *Id.* Respondents ignored requests to confirm dates and later suggested that some or all of the personnel were no longer with Respondents. *Id.* ¶¶ 15, 17. Because Respondents’ Initial Disclosures require that these individuals be contacted through counsel, *Id.* ¶ 16, Complaint Counsel requested clarification whether their depositions should be arranged through Jones Walker or whether Respondents would supplement the initial disclosure with updated contact information. *Id.* ¶ 18. Although counsel represented on May 28 that he would work with Respondents, as of the time of this filing, Respondents have not provided a response. *Id.* Thus, in addition to lacking discovery to prepare adequately for depositions, Complaint Counsel also has been prevented practically and ethically by Respondents from scheduling and conducting these depositions. *Id.* Respondents have no legitimate excuse for their extreme delays.

IV. Sanctions Are Warranted to Address Respondents' Willful Discovery Misconduct

The record shows that Respondents' conduct was willful, obstructing Complaint Counsel's ability to conduct discovery and prepare for trial. Respondents repeatedly have indicated their intent to disregard discovery and ignore the Court's orders. For example, on November 25, Respondent Jeansonne stated "If the plan is to send me more emails to ask for more documents, save it. I tapped out. I am will big [sic] to speak with Tom, but I have exhausted my resources and will not be doing anymore of that." *See* Compl. Counsel's Mot. To Compel, Shahrabi Dec. ¶ 3; Ex. A (Dec. 7, 2020). Similarly, on May 19, Respondent Jeansonne responded "you are not a priority at this point as we are just trying to stay afloat. . . . We will have to see how this week ends up." Widor Dec. Exh. H. Respondents' willful and knowing violations have prejudiced Complaint Counsel's ability to conduct discovery, including issuing any other document requests, interrogatories and subpoenas duces tecum by the June 11 deadline and preparing for depositions that have been sought to start this week. *Id.* ¶ 18. Rather than preparing for trial, Complaint Counsel has wasted significant time and resources trying to obtain Respondents' cooperation in discovery.⁴

Respondents' willful discovery abuse has limited the production of evidence necessary to determine the case on the merits and to develop additional evidence. For example, Respondents' failure to produce sales logs, lead trackers, or similar material relating to consumers who responded to the advertisements has prevented Complaint Counsel from identifying these consumers. *Id.* ¶ 22. Similarly, Respondents failure to produce email and text messages has

⁴ Respondent Jeansonne is the owner and only member of Platinum Plus Printing, Widor Dec. Exh. C (Interrogatory No. 2), and thus responsible for the dilatory discovery tactics that have necessitated the Court to certify Complaint Counsel's request for enforcement of the third-party subpoena.

denied evidence relating to issues such as materiality, Respondents' knowledge and intent in developing the advertisements, and Respondents' knowledge of consumer complaints. *Id.* ¶ 23.

Importantly, Respondents' willful delays has likely resulted in information from third-party sources being irreparably lost or forgotten. Complaint Counsel remains concerned about spoliation. On May 6, Respondent Jeansonne indicated that "[s]ome simply do not exist like texts from that long ago." Widor Dec. Exh. H. As previously discussed, Respondents represented that they told nonparties that they "didn't have to comply" with the subpoenas." *See* Resp. to Mot. To Set Status Conf. at 1 n.1 (Dec. 15, 2020).

Respondents' conduct warrants sanctions. The record shows a prolonged course of discovery abuse by Respondents and a strong likelihood that Respondents will continue to abuse the administrative process. As a result, a default decision is warranted. *In re Auto. Breakthrough Sciences*, 1996 FTC LEXIS 763 at *1 1-12 ("[d]efendants' repeated failure to comply with discovery, to obey court orders regarding the same, and to appear for their depositions clearly constitute contumacious conduct which seriously hampered [plaintiff's] trial preparation."); *In re Rustevader Corp.*, 1996 FTC LEXIS 369, *4 (1996) (granting default judgment where respondent failed to respond to discovery requests). Other than filing an answer at the beginning of the case and repeated false promises about discovery, Respondents have resisted participating in the proceedings at every turn.

If the Court deems a lesser sanction is warranted, Complaint Counsel requests that the Court enter Complaint Counsel's alternative proposed order (i) deeming certain matters adverse to Respondents, (ii) prohibiting Respondents from introducing into evidence or otherwise relying upon any testimony, documents, or other evidence that was improperly withheld or undisclosed

materials, (iii) permitting Complaint Counsel to use secondary evidence, and (iv) any other relief the Court deems just. Rule 3.38(b)(3)-(5).⁵

CONCLUSION

For the foregoing reasons, Complaint Counsel respectfully requests that the Court grant this motion and imposes sanctions under Rule 3.38.

Respectfully submitted,

June 9, 2021

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

⁵ The Court should consider whether Respondents' refusals warrant finding Respondents in contempt of the Commission under Rule 3.42(h) and recommending further action. Beyond discovery abuses, neither TJE nor Jeansonne has properly appeared and has ignored the Court's December 21 order granting the withdrawal of counsel and requiring compliance with Rule 4.1. Although counsel is now back and has engaged in settlement negotiations and discovery, counsel also has yet to comply.

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2021, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

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

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

I further certify that on June 9, 2021, I caused the foregoing document to be served via electronic mail to:

David Jeansonne
david@trafficjamevents.com

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

Counsel for Respondents

June 9, 2021

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

Pursuant to this Court's Scheduling Order and Rule 3.22(g), Complaint Counsel, Thomas Widor and Sanya Shahrasbi met and conferred by telephone and e-mail on May 5, 6, 7, and 10 with Respondent David Jeansonne along with Traffic Jam Events personnel Jim Whelan, Chad Bullock, and Justin Brophy. Following Respondents' limited production on May 12, Complaint Counsel sought to confer telephonically with Respondent Jeansonne between May 18 and 19 but Respondent refused. Complaint Counsel subsequently conferred with Respondent Jeansonne and Etienne Balart by telephone or email on May 24, May 26, May 27, May 28, and June 3. Although Complaint Counsel sought to confer in good faith, the parties have been unable to resolve by agreement the issues raised by the motion.

Respectfully submitted,

June 8, 2021

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

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
SANCTION RESPONDENTS FOR VIOLATING THE COURT’S DISCOVERY
ORDERS**

Upon consideration of Complaint Counsel’s Motion:

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

IT IS FURTHER ORDERED that the Court will make the following adverse inferences:

1. Respondent David Jeansonne directly participated in developing the “IMPORTANT COVID-19 ECONOMIC STIMULUS” advertisement attached as Exhibit A to the Complaint (hereinafter “COVID-19 advertisement”).
2. The COVID-19 advertisement was designed by Respondents Traffic Jam Events and David Jeansonne (“Respondents”) to look like government stimulus relief, including government stimulus checks.
3. The COVID-19 advertisement was designed by Respondents to appear to be affiliated or otherwise associated with, or approved by, the government.
4. Neither Traffic Jam Events nor David Jeansonne are affiliated or otherwise associated with, or approved by, the government.
5. Recipients of Respondents’ COVID-19 advertisements reasonably believed they had received government stimulus relief.
6. Recipients of Respondents’ COVID-19 advertisements reasonably believed it was affiliated or otherwise associated with, or approved by, the government.

7. Respondents received complaints that Respondents' COVID-19 advertisements were misleading.
8. Respondent David Jeansonne directly participated in developing Respondents' advertisements, including the prize advertisement attached as Exhibit F to the Complaint.
9. Respondents' prize advertisements were designed to appear that recipients had won a specific prize that could be collected by visiting a specific dealership.
10. Recipients of Respondents' prize advertisements visited car dealerships reasonably believing they had won a specific prize.
11. Recipients of Respondents' prize advertisements who visited the website or called the phone number listed on the mailer were informed they were winners.
12. Recipients of Respondents' prize advertisements had not, in fact, won the specific prize.
13. Respondents received complaints that Respondents' prize advertisements were misleading.
14. Respondents did not take any steps to ensure its advertising or marketing was compliant with state law.
15. Respondents did not take any steps to ensure its advertising or marketing was compliant with federal law, including the FTC Act or the Truth in Lending Act.

IT IS FURTHER ORDERED that Respondents may not introduce into evidence or otherwise rely, in support of any claim or defense, upon the documents or other evidence, or upon any improperly withheld or undisclosed materials, witnesses, or other discovery.

IT IS FURTHER ORDERED that Respondents may not be heard to object to introduction and use of secondary evidence to show what the withheld documents or other evidence would have shown.

ORDERED:

Date:

D. Michael Chappell
Chief Administrative Law Judge

X200041

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

In the Matter of

**TRAFFIC JAM EVENTS, LLC, a limited
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**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 for Sanctions Against Respondent for Violating the Court's Discovery Orders ("Sanctions Motion").
2. I am an attorney at the Federal Trade Commission and Complaint Counsel in this proceeding.
3. On December 23, 2020, the parties signed a proposed consent order. Because the proposed order would have resolved the matter if accepted by the Commission, Complaint Counsel agreed to defer Respondents' discovery responses, which were due that day.
4. After the Commission returned the matter to adjudication, Complaint Counsel forwarded the outstanding discovery requests and requested compliance by Wednesday, May 12. Exhibit A is a true and correct copy of this e-mail chain.
5. Respondent Jeansonne reported that he could have "many of them but not all by Wednesday." *Id.* I expressed concern that "this has been an ongoing issue since September

and the Court's order required it by December 23" and therefore requested a meet and confer to discuss a rolling production. Respondents did not agree to the request.

6. Respondents produced some limited materials by May 12, such as advertisements and related materials. After reviewing Respondents' production, we determined that Respondents did not produce any materials relating to the majority of categories required by the Court's order: (i) Platinum Plus Printing; (ii) websites and telephone numbers on Respondents advertising; (iii) sales logs and other materials tracking consumer leads; (iv) emails and text messages; (v) complaints; (vi) compliance materials; (vii) state investigations; and (viii) persons responsible for Respondents' advertising.
7. Exhibit B is a true and correct copy of the May 24, 2021 e-mail chain. Confidential settlement communications have been redacted but are available upon request if the Court deems them necessary.
8. Although Respondents repeatedly failed to comply with their discovery obligations, Complaint Counsel was willing to consider inspection and copying to resolve the dispute with Respondents' noncompliance.
9. Following Respondents representations, I contacted FTC's litigation support to obtain a third-party vendor to collect and process the materials. Based on their advice, I requested additional details about the electronically stored information ("ESI") but Respondents failed to provide basic details that would allow our litigation support team or third-party vendor adequately plan for an inspection. This is the same information I requested from Respondents in November and from counsel during the August meet and confer. In both instances, Respondents and counsel were unprepared to discuss this basic information.

10. Based on my legal experience, which includes nine years in private practice handling e-discovery, this is basic information that counsel is expected to obtain from their client in time for the initial meet and confer. Respondents and their counsel have never been prepared to discuss these issues in an adequate manner. Respondents have been unable or have refused to discuss where responsive materials are maintained or whether ESI is stored locally or in the cloud. This is important information as it dictates whether ESI can be obtained remotely or requires travel to the physical location.
11. Exhibit C is a true and correct copy of Respondents' e-mail providing interrogatory responses. Based on a review of the responses, I determined each response was extremely incomplete, lacking adequate detail, or nonresponsive, and in violation of the Court's order and Rule 3.35. Some responses were 1-to-3 words, and other answers did not even respond to the request. There is no detail provided in response to Interrogatory No. 1. In addition to lacking details about the relationship with Platinum Plus Printing, the response to Interrogatory 2 fails to identify any officers, managers, employees or agents of Traffic Jam Events who also are associated with Platinum Plus Printing. The response to Interrogatory No. 3 similarly provides no detail about the role of third parties or agents. The response to Interrogatory No. 4 is inadequate as the prior list was limited to 2019 to the present. The response to Interrogatory Nos. 5 and 6 also provide no detail about the method of selection, including the identity of the software or where this information is stored, or the identity of the prize winners. The answers were not submitted under oath.
12. Exhibit D is a true and correct copy of Complaint Counsel's e-mail summarizing the discovery issues dated June 4, 2021.

13. Respondent Jeansonne responded that he was working on the discovery and would respond by Monday. Complaint Counsel has not received any discovery from Respondents.
14. Complaint Counsel first sought to notice depositions on December 11, 2020. Exhibit E is a true and correct copy of the e-mail to Respondents containing the notice.
15. Complaint Counsel again formally sought to notice depositions on May 18 to begin June 8. Exhibit F is a true and correct copy of the e-mail to Respondents containing the May 18 notice. Respondents refused to confirm the depositions. As of today, Complaint Counsel has been unable to conduct these depositions.
16. Respondents' Initial Disclosures required that these individuals be contacted through counsel. Exhibit G is a true and correct copy of Respondents Initial Disclosures.
17. Since then, Respondents have claimed that the individuals are no longer with the company but have refused to update the Initial Disclosures with new contact information or confirm whether counsel remains the point of contact.
18. I requested clarification whether their depositions should be arranged through Jones Walker or whether Respondents would supplement the initial disclosure with updated contact information. On May 28, counsel represented that he would work with Respondents but, as of the time of this filing, has not provided a response. The e-mail has been withheld as it primarily consists of confidential settlement communications. Complaint Counsel can make it available upon request if the Court deems it necessary. Because of Respondents' delay and refusals, Complaint Counsel practically and ethically has been unable to schedule and conduct these depositions.
19. On June 8, Counsel emailed "the third party data provider can be made available."
Respondents have not produced any responsive materials and have sought to shift the burden

on Complaint Counsel to propose a data collection protocol, notwithstanding the fact that Respondents are better situated to know where their responsive documents are located and to protect potentially privileged materials. *See also* Exh. D.

20. The parties have agreed to notice Respondent Jeansonne's deposition for June 22. Given the lack of discovery to date from Respondents, Complaint Counsel is likely to be deprived of much of the responsive materials Respondents have been ordered to produce in conducting the deposition.
21. Exhibit H is a true and correct copy of Respondents' e-mail chain dated from May 6 to May 19 discussing discovery.
22. 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. For example, I understand that Respondents had sales logs, lead trackers, or similar material relating to consumers who responded to the advertisements identify specific consumers who visited dealerships because of the advertisements consumers.
23. Similarly, I understand that Respondents routinely communicated with their employees and dealer customers via email and text messages. For example, Respondent Jeansonne communicated with New Waves Auto Sales about the COVID-19 advertisement that is attached as Exhibit A to the Complaint via e-mail and text. Respondents, however, have not produced any communications.

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

Executed June 9, 2021

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

From: [Widor, Thomas](#)
To: ["Justin Brophy"](#); [David Jeansonne](#)
Cc: [Shahrasbi, Sanya](#); [Broadwell, Eleni](#)
Subject: RE: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery
Date: Tuesday, May 11, 2021 3:06:00 PM

Justin,

Eleni, our paralegal, is copied on this email and she can provide you a File Transfer Link where you can upload the responsive material by tomorrow.

Tom

From: Justin Brophy <justinb@trafficjamevents.com>
Sent: Tuesday, May 11, 2021 11:24 AM
To: Widor, Thomas <twidor@ftc.gov>; David Jeansonne <david@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Subject: Re: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

Good morning Tom,

Who does David send the requested documents/discovery to?

From: "Widor, Thomas" <twidor@ftc.gov>
Date: Thursday, May 6, 2021 at 3:24 PM
To: David Jeansonne <david@trafficjamevents.com>, Jim Whelan <jimw@trafficjamevents.com>, Justin Brophy <justinb@trafficjamevents.com>
Cc: "Shahrasbi, Sanya" <sshahrasbi@ftc.gov>, "Broadwell, Eleni" <ebroadwell@ftc.gov>
Subject: FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

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

Tom W.

From: Widor, Thomas
Sent: Thursday, May 6, 2021 9:17 AM
To: David Jeansonne <david@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

I'm forwarding our prior discussion about the discovery responses from December. I've also

PUBLIC

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

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

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

Tom W.

From: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Sent: Tuesday, December 22, 2020 6:08 PM
To: David Jeanson <david@trafficjamevents.com>
Cc: Widor, Thomas <twidor@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

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

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

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

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

Best Regards,

Sanya S.

Sanya Shahrabi

Attorney

Federal Trade Commission-Division of Financial Practices

600 Pennsylvania Ave NW, CC-10218

Washington, D.C. 20580

(202) 326-2709

EXHIBIT B

From: [Widor, Thomas](#)
To: [Balart, Etienne](#); [David Jeansonne](#)
Cc: [Shahrasbi, Sanya](#)
Subject: Re: Moving forward
Date: Monday, May 24, 2021 6:52:00 PM

Can we plan for 9:30 CST tomorrow?

Also, in terms of locations, would there be material in Tampa?

Tom

On May 24, 2021, at 3:52 PM, Widor, Thomas <twidor@ftc.gov> wrote:

Etienne,

We are available until about 11:30 CST tomorrow. Let us know what time works for you both. We can use my call-in: (877) 336-1839, Access Code: 9012655.

In addition to requests for production, there are interrogatory responses and depositions that we have sought to notice.

Tom

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Monday, May 24, 2021 1:46 PM
To: Widor, Thomas <twidor@ftc.gov>; David Jeansonne <david@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Subject: RE: Moving forward

Tom,

Redacted Confidential Settlement Communication

[Redacted Content]

As far as discovery goes, my understanding is that David is now (and has been) without staff to support any further discovery responses. I have advised him, and he has agreed, to make his office and files available for your team's review, at the FTC's cost. Hopefully that can solve any outstanding discovery.

Etienne

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

From: Widor, Thomas <twidor@ftc.gov>
Sent: Monday, May 24, 2021 12:14 PM
To: Balart, Etienne <ebalart@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: [EXTERNAL] RE: Moving forward

Etienne and David,

The rules do not allow for a stay as you are proposing. Rule 3.25 provides for procedures to withdraw from adjudication to consider specific types of settlement proposals. See *In re Tronox Ltd.*, 2018 FTC 84 (May 16, 2018) (denying motion for stay to allow renewed settlement talks). I've hyperlinked to this [order](#).

Redacted Confidential Settlement Communication

We need to continue with discovery however.

Tom

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Monday, May 24, 2021 12:43 PM
To: Widor, Thomas <twidor@ftc.gov>; David Jeansonne <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: Moving forward

Tom,

While it is probably best to communicate through me, I do not have an objection to you speaking to David via email so long as I am copied. Let me reiterate, that I think as well that it would be most efficient for us to have a 20-day standstill while I get up to speed and continue to press a possible settlement. I am not even aware yet on the status of outstanding discovery and what has/has not been produced. Let me know your thoughts ASAP.

Etienne

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

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

David,

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

Tom

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

Tom,

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

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

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

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

Thanks David. With Etienne on as counsel, we will need permission from

him on how and with who to communicate. Redacted Confidential Settlement Communication
[Redacted]

Tom

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

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

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

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

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

David,

Redacted Confidential Settlement Communication
[Redacted]

[Redacted] if we can't negotiate any additional production on the outstanding discovery, we will

need to file a motion with the Court by Wednesday of this week.

Tom

From: David Jeansonne <david@trafficjamevents.com>

Sent: Monday, May 24, 2021 10:29 AM

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

Subject: Moving forward

Redacted Confidential Settlement Communication



David Jeansonne

President

Traffic Jam Events™

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

e: david@trafficjamevents.com

w: trafficjamevents.com

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

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

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

EXHIBIT C

From: [David Jeansonne](#)
To: [Widor, Thomas](#)
Cc: [Balart, Etienne](#); [Shahrasbi, Sanya](#)
Subject: Re: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery
Date: Thursday, May 27, 2021 11:57:43 AM

Answers to the very best of my knowledge for the 6 questions:

- 1) President
- 2) Owner and only member
- 3 I am the President. William Lilley was the Sales Manager that sold 96% of all mail. He instructed the graphic designers what he wanted based on the customer. Once you are able to get into email archives you will see this activity.
- 4) I have been opened as Traffic Jam Events since 2007. As of today I have zero clients. Any past clients you already have the list of and information from.
- 5) I know there is a software that picks the winning numbers randomly. Then stored.
- 6 same as 5.

Thanks, let me know if there is anything else you need.

David Jeansonne

President

Traffic Jam Events™

a: [2232 Idaho Ave. | Kenner, LA 70062](#)

e: david@trafficjamevents.com

w: trafficjamevents.com

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

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

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

On May 27, 2021, at 8:12 AM, Widor, Thomas <twidor@ftc.gov> wrote:

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

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

Tom

From: Widor, Thomas
Sent: Thursday, May 6, 2021 3:24 PM
To: David Jeansonne <david@trafficjamevents.com>; Jim Whelan <jimw@trafficjamevents.com>; Justin Brophy <justinb@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

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

Tom W.

From: Widor, Thomas
Sent: Thursday, May 6, 2021 9:17 AM
To: David Jeansonne <david@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

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

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

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

Tom W.

From: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Sent: Tuesday, December 22, 2020 6:08 PM
To: David Jeansonne <david@trafficjamevents.com>
Cc: Widor, Thomas <twidor@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

David,

We wanted to follow-up on outstanding discovery. Per Judge Chappell's Order issued on December 16th, Respondent's responses to the requests for production and the interrogatories are due tomorrow. Please note, per the Order, the relevant time period covered by the discovery requests is January 1, 2015 to the present.

Electronically stored documents, including e-mail, are required to be produced in their existing, native formats. Please also note that pursuant to the Order you are also required to produce text messages, voicemails, and any other forms of instant messaging or communications, including IM, Jabber, or Slack. Eleni, our paralegal, is copied on this email and she can provide you a File Transfer Link where you can upload the documents by tomorrow.

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

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

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

Best Regards,
Sanya S.

Sanya Shahrabi

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

<121620 Order Granting Complaint Counsel's Motion to Compel Production of Documents and Answers to Interrogatories.pdf>

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

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

EXHIBIT D

From: [Widor, Thomas](#)
To: "[Balart, Etienne](#)"; "[David Jeansonne](#)"
Cc: [Shahrasbi, Sanya](#)
Subject: RE: [EXTERNAL] Re: Emails
Date: Tuesday, June 8, 2021 6:47:00 PM

Etienne,

Respondents are in the best position to know their documents and have had an ongoing obligation to identify and preserve responsive documents since the issuance of the administrative complaint (and in fact the filing of the federal court action). They also are in the best position to identify sources that may contain privileged information and to protect any privilege. Given we are nearly a year into this litigation since the federal court action (and putting aside the fact that this all should have been produced long ago), Respondents should be well positioned to know their responsive materials and should be able to discuss the contours of a protocol to process responsive ESI and address privilege issues.

In any event, the parties discussed these issues in November. In our letter dated November 23, we discussed the following:

Respondents agreed they would “collect and produce all metadata from their hard drive so that Complaint Counsel may review and formulate targeted search terms, provided that the parties can agree on costs and burden and on a reasonable protocol.” We had a subsequent meet and confer with FTC litigation support staff on November 10, 2020 to discuss methods of producing ESI. As discussed, an FTC vendor can assist in collecting the data. Once the data is processed, the parties will engage in an early case assessment (“ECA”), reviewing key word reports and email contacts (to, from, cc:, bcc:) to identify key terms and contacts and cull down the relevant set of emails.

Aside from this metadata, Complaint Counsel agreed that it would not review the substance of any emails as part of the ECA process. We also agreed that the ECA would focus on the email from the individuals identified in Complaint Counsel and Respondents initial disclosures: David J. Jeansonne II, Justin Brophy, Chad Bullock, Jim Whelan, William Lilley, and Mariela Everst. Complaint Counsel noted that our review of third-party subpoena responses has identified additional people like territory sales managers and team leads that have not been disclosed but look to have relevant information and communications. We again preserve our right to request additional responsive material and remind Respondents of their duty to supplement their discovery responses.

Respondents were supposed to follow up with Complaint Counsel but, as has been true throughout these proceedings, never did resulting in the Court’s order compelling discovery. Given all our efforts over the course of these proceedings and the discussion above, it would be misleading to represent that we have refused to discuss a review protocol. In any case, the burden first rests with Respondents, and the Court’s order requires Respondents to comply with their discovery obligations, which they have failed to do.

Tom

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Tuesday, June 8, 2021 5:47 PM
To: Widor, Thomas <twidor@ftc.gov>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: [EXTERNAL] Re: Emails

Tom,

We will represent in our opposition that FTC counsel has refused to provide a protocol to process responsive ESI. If this changes, please let me know.

Etienne

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

From: Widor, Thomas <twidor@ftc.gov>
Sent: Tuesday, June 8, 2021 3:58 PM
To: Balart, Etienne <ebalart@joneswalker.com>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: [EXTERNAL] Re: Emails

Etienne,

If Respondents comply with the Court's orders, we'll withdraw the motion. Until then, the motion is appropriate given Respondents' continued pattern of delay.

Tom

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Tuesday, June 8, 2021 4:33 PM
To: Widor, Thomas <twidor@ftc.gov>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: [EXTERNAL] Re: Emails
Importance: High

Tom,

I apologize for missing your email about filing with the Court, but I just want to go on record that Respondents have offered, and after clarification from you, specified that the data provider (Mindset) has all of the company's ESI. Before granting access to the ESI, we need an agreed protocol to keep and maintain privileges and eliminate irrelevant information. If and when you file on this issue, our position will be the same, and it certainly seems that we could avoid the time and expense of putting this before the Court with an agreement as to a proposed protocol.

As for anything else outstanding, please advise what you are waiting on.

Etienne

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

From: Widor, Thomas <twidor@ftc.gov>
Sent: Tuesday, June 8, 2021 3:25 PM
To: Balart, Etienne <ebalart@joneswalker.com>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: [EXTERNAL] Re: Emails

Etienne,

Respondents can come into compliance by producing the responsive material required by the Court's order (and as we have identified in numerous calls and emails). The Court order does not say anything about inspection and copying. While we were open to using that as a way to resolve one of the discovery issues, we have unsuccessfully tried to engage in good faith negotiations since last fall and still to today do not even have basic information about these systems. We've made no progress and simply have been strung along. Respondents lack any credibility that they will comply with their discovery obligations and make this email or other ESI available without the Court's involvement. As I indicated in my email last week, we are filing with the Court today.

Tom

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Tuesday, June 8, 2021 9:44 AM
To: 'David Jeansonne' <david@trafficjamevents.com>; Widor, Thomas <twidor@ftc.gov>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>
Subject: RE: [EXTERNAL] Re: Emails

Tom,

In speaking with David, the third party data provider can be made available. Prior to that, what protocol do you propose concerning data collection to (i) preserve attorney-client privilege and any other applicable privileges; and (ii) exclude irrelevant materials. Can you please provide details so that we can agree to a process. Thanks,

Etienne

L. Etienne Balart | Partner
Jones Walker LLP

D: 504.582.8584 | M: 504.756.2192
ebalart@joneswalker.com

From: David Jeansonne <david@trafficjamevents.com>
Sent: Friday, June 4, 2021 4:24 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>; Balart, Etienne <ebalart@joneswalker.com>
Subject: [EXTERNAL] Re: Emails

As you know, I was traveling this week and out of the office. Just wanted to let you know that I am working on the below, and you will have contact information for the people below Monday. I am a little confused by all your jargon about the interrogatories but I will get with Etienne this afternoon and do my best to supplement. Aren't these all the kinds of questions you will ask me at a deposition though? Perhaps we move that up? Regardless of where I am I can/will make myself available.

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

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

On Jun 3, 2021, at 7:30 PM, Widor, Thomas <twidor@ftc.gov> wrote:

David and Etienne,

We are still waiting for information on the ESI and identification of responsive material at your offices to allow us to inspect and copy responsive materials.

We also have not received a response to our notices to depose Mariela Everst, Jim Whelan, Chad Bullock, and Justin Brophy (or a supplemental initial disclosure listing their contact information and whether their depositions should be arranged through Walker Jones).

Additionally, the interrogatory responses you sent via email last Thursday, May 27, do not comply with Rule 3.35, and each response is extremely incomplete and lacking adequate detail or does not even respond to the request. Rule 3.35 requires that "[e]ach interrogatory shall be answered separately and fully in writing under oath. . . .

and signed by the person making them. . . .” There is no detail provided in response to Interrogatory No. 1. In addition to lacking details about the relationship with Platinum Plus Printing, the response to Interrogatory 2 fails to identify any officers, managers, employees or agents of Traffic Jam Events who also are associated with Platinum Plus Printing. The response to Interrogatory No. 3 similarly provides no detail about the role of third parties or agents. The response to Interrogatory No. 4 is inadequate as the prior list was limited to 2019 to the present. The response to Interrogatory Nos. 5 and 6 also provide no detail about the method of selection, including the identity of the software or where this information is stored, or the identity of the prize winners.

Finally, Respondents have not complied with the Court’s order granting Respondents’ motion for leave to withdraw as counsel. The order required Respondents to comply with Rule 4.1 within 10 days by entering an appearance.

We’ve been repeatedly trying to resolve these issues and have made no progress over the past month. By Monday, June 7, please (i) identify with specificity to the Requests for Production what responsive material is located at your offices and how to access the ESI, (ii) supplement or amend the initial disclosures with contact information or confirm that you continue to be the contact and that we can arrange their depositions through you, (iii) provide full responses under oath to the interrogatories, and (iv) comply with the Court’s Dec. 21 order requiring an appearance under Rule 4.1. At this point, if we cannot get this by Monday, June 7, we will file a motion with the court as we previously discussed.

Tom W.

From: David Jeansonne <david@trafficjamevents.com>

Sent: Tuesday, June 1, 2021 2:35 PM

To: Widor, Thomas <twidor@ftc.gov>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Etienne Balart <ebalart@joneswalker.com>

Subject: Emails

Tom,

I found out that the third party is Mindset, I am looking into how I get access to retrace emails.

David Jeansonne

President

Traffic Jam Events™

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

e: david@trafficjamevents.com

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

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

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

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

EXHIBIT E

From: [Shahrasbi, Sanya](#)
To: [Balart, Etienne](#); [Mastio, Lauren](#); twimberly@joneswalker.com; [Brickman, Jennifer](#); david@trafficiamevents.com
Cc: [Widor, Thomas](#); [Broadwell, Eleni](#)
Subject: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Deposition Notice
Date: Friday, December 11, 2020 5:04:05 PM
Attachments: [2020-12-11 TJE Deposition Notice.pdf](#)

Counsel and Mr. Jeansonne,

Pursuant to Rule 3.33(a), attached are deposition notices for Respondents and other officers and employees of Traffic Jams. Please let us know your availability early next week to discuss these dates. We would also like to discuss the scheduling of nonparty depositions.

We also intend to conduct the depositions remotely. Please let us know if you are willing to stipulate to that or if you do not oppose us filing a motion with Judge Chappell under the Rule.

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

EXHIBIT F

From: [Shahrasbi, Sanya](#)
To: [David Jeansonne](#)
Cc: [Widor, Thomas](#); [Broadwell, Eleni](#)
Subject: In the Matter of Traffic Jam Events, Do. 9395-- Deposition Notice
Date: Tuesday, May 18, 2021 5:58:08 PM
Attachments: [2021-05-18 TJE Deposition Notice.pdf](#)

David,

Please find attached deposition notices for Traffic Jam Events. I'm also pasting the time and dates we are proposing here:

Deponent Name	Date and Time	Location
Everst, Mariela	June 8, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Brophy, Justin	June 11, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Bullock, Chad	June 15, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Whelan, James "Jim"	June 17, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Jeansonne II, David J.	June 22, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely

Please let us know by the end of the week if those dates work for Respondents and your employees and officers.

Please also let us know if you are willing to stipulate to remote depositions, or if you do not oppose us filing a motion with Judge Chappell under the rules.

Thanks,

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

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

RESPONDENTS' SUPPLEMENTAL INITIAL DISCLOSURES

Respondents, Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne, II (collectively, “Respondents”), through undersigned counsel, pursuant to Rule 3.31(b)(1) of the Federal Trade Commission’s Rules of Practice and in accordance with this Court’s Order on Complaint Counsel’s Motion to Compel dated October 28, 2020, make the following supplemental 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) Justin Brophy
c/o L. Etienne Balart
Jones Walker, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, Louisiana 70170-5100
(504) 582-8584

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

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

- e) William Lilley
c/o L. Etienne Balart
Jones Walker, LLP
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- f) Michael Kastrenakes
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170
- g) Mike Taylor
MK Automotive, Inc.
8000 Park Boulevard North
Pinellas Park, Florida 33781
(727) 475-5170
- h) Eddie Williams
6520 University Dr. NW
Huntsville, AL 35806
(256) 203-8191
- i) Bill Cox
4074 Ross Clark Circle NW
Dothan, AL 36303
(334) 794-0606
- j) Jay Mayfield
Senior Public Affairs Specialist
Federal Trade Commission
- k) Emilie Saunders
Federal Trade Commission
- l) Kathleen Nolan
Federal Trade Commission
- m) Eleni Broadwell
Federal Trade Commission
- n) Jennifer H. Pinder
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Tampa, FL 33607
(813) 287-7950
- o) Victoria Butler
Director, Consumer Protection Division

Office of the Florida Attorney General
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Tampa, FL 33607
(813) 287-7950

- p) Elizabeth Lester Martin
Assistant Attorney General
Office of the Florida Attorney General
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(813) 287-7950

- q) Emilie Burdette
Assistant Attorney General
Office of the Kansas Attorney General
Consumer Protection & Antitrust Division
120 SW 10th Ave., 4th Floor
Topeka, KS 66612-1597
(785) 368-8453

- r) Mark M. Snodgrass
Deputy Attorney General
Office of the Indiana Attorney General
302 West Washington St., 5th Floor
Indianapolis, IN 46204
(317) 233-4393

- s) Steve Marshall
Alabama Attorney General's Office
501 Washington Ave.
Montgomery, AL 36104

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

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

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

- w) Thomas Andrews

Brooksville, FL

- x) Any other persons that may have allegedly lodged complaints regarding the Mailers
 - y) Any persons that may have received the three (3) advertisements that are the subject of the Complaint
 - z) Any persons or entities identified or disclosed by the Commission
 - aa) Any persons or entities necessary to authenticate documents
 - bb) Any persons or entities possessing relevant information identified during discovery
 - cc) 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. The majority of such

documents are maintained electronically, through email and accounting records. 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 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)
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**Counsel for Respondents, Traffic Jam Events,
LLC and David J. Jeanson II**

CERTIFICATE OF SERVICE

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

/s/ L. Etienne Balart

EXHIBIT H

From: [Widor, Thomas](#)
To: [David Jeansonne](#)
Cc: [Shahrasbi, Sanya](#); [Broadwell, Eleni](#)
Subject: RE: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery
Date: Wednesday, May 19, 2021 3:15:00 PM

David, I'm sorry to hear that but thanks for letting us know. As Complaint Counsel, we are responsible for litigating the matter and need to continue with discovery so it sounds like, at this point, we won't be able to make any progress on discovery and will ask the Court to get involved.

Redacted Confidential Settlement Communication

[Redacted]

Tom

From: David Jeansonne <david@trafficjamevents.com>
Sent: Wednesday, May 19, 2021 1:20 PM
To: Widor, Thomas <twidor@ftc.gov>
Subject: Re: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

Tomorrow doesn't work either.

Mariela (a longterm employee and someone I consider a loyal friend) was just let go, we have had four jobs in the month of May. True story, four.

To be honest Tom you are not a priority at this point as we are just trying to stay afloat.

At this point I have encouraged my people to not drown with me. They have been beyond loyal, to a fault.

We will have to see how this week ends up.

Redacted Confidential Settlement Communication

[Redacted]

Like now, I can't afford to fight the FTC. So you'll drain me again when I'm doing nothing wrong. But that is still an option I'm weighing out. Or getting an attorney and asking my best friend who is beyond wealthy and wants me to fight this, he will help me bring in a big firm that has a good record against you to get me a righteous settlement.

That's what I'm weighing out heavily.

The only reason I tell you this is there just no reason to jump on a call and play ring around the rosey.

Redacted Confidential Settlement Communication

[Redacted]

David Jeansonne
President

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

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

On May 19, 2021, at 9:04 AM, Widor, Thomas <twidor@ftc.gov> wrote:

David, what time works tomorrow? We're generally free or can move some things around except 1-2pm CST.

Tom

From: David Jeansonne <david@trafficjamevents.com>

Sent: Wednesday, May 19, 2021 9:30 AM

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

Cc: Justin Brophy <justinb@trafficjamevents.com>; Jim Whelan <jimw@trafficjamevents.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Chad Bullock <chadb@trafficjamevents.com>

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

Sorry Tom, I am covered up, as you would expect I'd be right about now.
Alligators on my elbows this morning.
I cannot get on a call today.

David Jeansonne

President

Traffic Jam Events™

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

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

On May 19, 2021, at 7:05 AM, Widor, Thomas <twidor@ftc.gov> wrote:

Here's the number for the call: Call in: (877) 336-1839, Access Code: 9012655. Let us know if 9am works. If not, we can also make any time between 12-2:30pm CST work. We can go through each category below. For example, we have not received any emails, texts, or other messages, which you should have preserved and which we discussed at length with Walker Jones last fall.

Tom

From: David Jeansonne <david@trafficjamevents.com>

Sent: Tuesday, May 18, 2021 5:39 PM

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

Cc: Justin Brophy <justinb@trafficjamevents.com>; Jim Whelan <jimw@trafficjamevents.com>; Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Chad Bullock <chadb@trafficjamevents.com>

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

Tom,

We either don't have this or simply by law cannot give you a list that we rent to mail to one time and cannot give that info out.

I simply can't give you what I don't have.

I am happy to get on a call.

Jim, check the book, I thought I have a meeting set already with Christina, could be Thursday though.

David Jeansonne

President

Traffic Jam Events™

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

e: david@trafficjamevents.com

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

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

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

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

On May 18, 2021, at 4:13 PM, Widor, Thomas
<twidor@ftc.gov> wrote:

David,

We had a chance to review the material produced last Wednesday and would like to set up a call tomorrow or Thursday to meet and confer about the scope of that production and a number of outstanding requests. The production appears to consist mainly of advertising with some invoices, work orders, and data files. It does not include any of the following categories required by Judge Chappell's order:

- documents sufficient to show the relationship between Respondent TJE and Platinum Plus Printing, including any agreements;
- documents sufficient to show the relationship between Respondent TJE and the telephone numbers and websites listed on Respondents' Advertising;
- data files showing mailing information relating to Respondents' Advertising;
- sales logs and any other materials tracking leads or consumer responses to Respondents' Advertising through a customer relationship management database or otherwise;
- email, text messages, and any other communications to, from, or copying David J. Jeanson II, Justin Brophy, Chad Bullock, Jim Whelan, William Lilley, and Mariela Everst relating to Respondents' Advertising;
- business plans, proposals, financial analyses, market or sales strategies, sales projections, sales pitches or prospectuses, or return on investment analyses relating to

Respondents' Advertising

- all complaints relating to Respondents' Advertising;
- all documents relating to the FTC or compliance with consumer protection laws;

- all documents relating to the Florida, Kansas, and Indiana investigations and lawsuits; and
- documents sufficient to show all persons having any responsibilities for or on Respondents' behalf for any Advertising.

We also did not receive any interrogatory responses as required by the order. As we previous raised, we will need to discuss depositions too. Sanya will be sending an email with some proposed dates later today.

Would you be available tomorrow morning at 9am CST for a call?

Thanks,

Tom W.

From: David Jeansonne <david@trafficjamevents.com>

Sent: Thursday, May 6, 2021 6:13 PM

To: Justin Brophy <justinb@trafficjamevents.com>

Cc: Widor, Thomas <twidor@ftc.gov>; Jim Whelan <jimw@trafficjamevents.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Chad Bullock <chadb@trafficjamevents.com>

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

Ok great!

Scratch that Tom.

Redacted Confidential Settlement Communication

I think we are good for now. We will send this info by Wednesday if we don't make a decision.

David Jeansonne

President

Traffic Jam Events™

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

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

On May 6, 2021, at 5:04 PM, Justin Brophy
<justinb@trafficjamevents.com> wrote:

Correct, many of the items on this list were being gathered in December. Then the original deal was agreed upon so the document collection was immediately stopped and nothing was sent.

From: David Jeansonne
<david@trafficjamevents.com>
Date: Thursday, May 6, 2021 at 5:00 PM
To: "Widor, Thomas" <twidor@ftc.gov>, Jim Whelan <jimw@trafficjamevents.com>
Cc: "Shahrasbi, Sanya" <sshahrasbi@ftc.gov>, "Broadwell, Eleni" <ebroadwell@ftc.gov>, Justin Brophy <justinb@trafficjamevents.com>, Chad Bullock <chadb@trafficjamevents.com>
Subject: Re: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

You keep leaving g Jim off as he knows the schedule. I know I have a 9:45 so you can call me on my cell at 9 please.
On the answers I can have many of them but not all by Wednesday.
Some simply do not exist like texts from that long ago, there is no written agreement with Traffic Jam any of its printing partners, that

includes Platinum Plus.

You already have all of our invoices and work orders.

So the more I read it I think I actually can answer. Or maybe a better way is for you to say what you DO NOT have as most of Thor you do have such as the above, and art files. You already have all of this.

Justin, am I thinking they have this? Or maybe this is the stuff you had on file ready to send back in December when we made the deal that won't do now?

David Jeansonne

President

Traffic Jam Events™

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

e: david@trafficjamevents.com

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

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

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

On May 6, 2021, at 3:41 PM,
Widor, Thomas <twidor@ftc.gov>
wrote:

David, can we talk tomorrow morning as to what you can produce starting next week and what you would need more time for? As I proposed earlier, would 9am cst work?

Under the scheduling order we proposed, the deadline for doc

requests and interrogatories would be a little over 30 days, and we also need the documents to prepare for depositions. So, given the deadlines, we can't agree to 30 days. Again, we are willing to discuss a rolling production schedule, but this has been an ongoing issue since September, and the Court's order required it by December 23.

Tom

From: David Jeansonne
<david@trafficjamevents.com>
Sent: Thursday, May 6, 2021 3:23 PM
To: Widor, Thomas
<twidor@ftc.gov>
Cc: Shahrabi, Sanya
<sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: Re: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

Ok Tom I got it.

Redacted Confidential Settlement Communication

[Redacted]

[Redacted] there is

NO way I will have all of this info gathered by next week.

The lady today said I can't talk to the Judge, obviously you can as you do.

So who grants me the extension on that? I'd like 30 days. We have 100 before the hearing.

David Jeansonne

President

Traffic Jam Events™

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

e: david@trafficjamevents.com

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

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

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

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

On May 6, 2021, at
8:17 AM, Widor,
Thomas
<twidor@ftc.gov>
wrote:

David,

I'm forwarding our
prior discussion
about the discovery
responses from
December. I've also
attached our
discovery requests
and Judge Chappell's
order requiring
production by
December 23. When
we received the
signed proposed
consent order that
day, we agreed that
Respondents would

not have to provide the responses that day in case the order would resolve the proceedings. Now that we are back in adjudication, we will need Respondents to comply with the order and request production by next Wednesday, May 12.

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

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

Tom W.

From: Shahrasbi, Sanya
<sshahrasbi@ftc.gov>
Sent: Tuesday, December 22, 2020
6:08 PM
To: David Jeansonne
<david@trafficjamevents.com>
Cc: Widor, Thomas
<twidor@ftc.gov>;
Broadwell, Eleni
<ebroadwell@ftc.gov>
Subject: In the

Matter of Traffic Jam
Events, LLC, Do.
9395-- Outstanding
Discovery

David,

We wanted to follow-up on outstanding discovery. Per Judge Chappell's Order issued on December 16th, Respondent's responses to the requests for production and the interrogatories are due tomorrow.

Please note, per the Order, the relevant time period covered by the discovery requests is January 1, 2015 to the present.

Electronically stored documents, including e-mail, are required to be produced in their existing, native formats. Please also note that pursuant to the Order you are also required to produce text messages, voicemails, and any other forms of instant messaging or communications, including IM, Jabber, or Slack. Eleni, our paralegal, is copied

on this email and she can provide you a File Transfer Link where you can upload the documents by tomorrow.

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

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

place for the
depositions.

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

Best Regards,
Sanya S.

Sanya Shahrabi

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

<121620 Order
Granting
Complaint
Counsel's Motion
to Compel
Production of
Documents and
Answers to
Interrogatories.pdf>
<CC's First Set of
Requests for
Interrogatories to
Traffic Jam Events,
LLC.pdf>
<CC's First Set of
Requests for
Production to
Traffic Jam Events,
LLC.pdf>