

**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 CERTIFY TO THE COMMISSION A  
REQUEST SEEKING COURT ENFORCEMENT OF A SUBPOENA AD  
TESTIFICANDUM ISSUED TO JUSTIN BROPHY**

Pursuant to the Federal Trade Commission’s Rules of Practice 16 C.F.R. §§3.22 and 3.38, Complaint Counsel respectfully move the Court to certify to the Commission a request for enforcement of a subpoena *ad testificandum* issued to former Traffic Jam Events employee Justin Brophy with the recommendation that district court enforcement be sought. Brophy failed to appear for a properly scheduled deposition and refuses to respond to any communications from Complaint Counsel.

**I. Background**

Justin Brophy was an employee of Respondent Traffic Jam Events during the activities described in the Complaint, which alleges that Respondents created and disseminated, or caused to be disseminated, deceptive ads that violated Section 5 of the FTC Act and the Truth in Lending Act. Complaint ¶¶ 9-21. Respondents repeatedly identified Brophy in their initial disclosures, preliminary witness list, supplemental initial disclosures, and supplemental

preliminary witness list. *See* Widor Dec., Ex. A-D. Respondents described Brophy’s proposed testimony as: “Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents’ role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.” *Id.* ¶ 6, Ex. D.

On July 20, 2021, Complaint Counsel properly issued a subpoena *ad testificandum* to Justin Brophy, which was served on July 22, 2021 and required Brophy to appear for a remote deposition on July 27, 2021 at 10 am EST. *Id.* ¶¶ 25-27, Exs. M-O. Complaint Counsel also made numerous efforts to contact Brophy to confirm his availability and intent to appear for the deposition. *Id.* ¶¶ 27-30, Exs. O. Brophy ignored all communications with Complaint Counsel. *Id.* No one has filed a petition to limit or quash the subpoena.

Brophy failed to appear for the deposition, which was held on July 27 and did not respond to telephone calls and emails from Complaint Counsel regarding his failure to appear. *Id.* ¶¶ 31-32. Complaint Counsel convened the video deposition, noted Brophy’s failure to comply with the subpoena, and reserved Complaint Counsel’s right to notice the deposition for another date and time. *Id.* ¶¶ 33.

The July 20 subpoena is the culmination of months of efforts by Complaint Counsel to depose Mr. Brophy and other Traffic Jam personnel. Complaint Counsel first noticed the depositions of Justin Brophy and four other individuals (Chad Bullock, Mariela Everst, David Jeansonne, and James Whelan) on December 11, 2020. *Id.* ¶ 8, Ex. E. Complaint Counsel then unsuccessfully sought to confirm the depositions on multiple occasions in December, but Respondents never responded and never agreed to the depositions before the matter was withdrawn from adjudication. *Id.* ¶¶ 8-10; Ex. F. When the matter returned to adjudication,

Complaint Counsel repeatedly sought to notice the depositions and obtain Respondents' agreement to a deposition schedule with no success. *Id.* ¶¶ 10-12; Exs. H-G. Respondents refused to confirm the depositions. After Respondents claimed that Mr. Brody and other employees were no longer with the company, Complaint Counsel sought updated disclosures with new contact information or confirmation that counsel was still the point of contact. *Id.* ¶ 12, Ex. H. Although Respondents' counsel represented that he would work with Respondents, Respondents refused to provide the information for nearly two months, even inappropriately seeking to use the information as leverage regarding a separate discovery dispute involving Respondents frivolous attempt to depose Commissioners. *Id.* ¶¶ 19-22; Ex. K.

As a result of Respondents' continued violations of this Court's discovery orders depriving Complaint Counsel of crucial discovery, Complaint Counsel sought an extension of time on certain discovery deadlines while its sanctions motion was pending. *Id.* ¶ 14. Complaint Counsel explained that the sanctions motion "describes Respondents' failure to comply with orders to produce documents, respond to interrogatories and *amend or supplement initial disclosures*. Compl. Counsel's Mot. to Extend the Discovery Deadlines in the Scheduling Order at 6 (emphasis added). If Respondents belatedly produce material addressed by these outstanding orders, Complaint Counsel requests that the Court extend deadlines that would otherwise preclude Complaint Counsel from pursuing discovery related to the overdue responses." *Id.* The Court granted Complaint Counsel's extension motion on June 15, 2020, ordering that "Complaint Counsel shall have ten days to examine any discovery information or materials Respondents provide after June 11, 2021 and to issue any additional discovery requests based on such information or materials." Order Granting Mot. to Extend Discovery Deadlines at 1.

Complaint Counsel continued to request that Respondents provide updated contact information for Mr. Brophy and other former employees identified in Respondents’ initial disclosures. Widor Dec. ¶¶ 19-22; Ex. K. Indeed, Respondent Jeansonne even acknowledged that he had this information in Quickbooks but failed to provided it. *Id.* ¶ 16; Ex. J. Respondents finally provided the last known address information on July 14, 2021. *Id.* ¶ 23; Ex. K. After evaluating whether to try to depose all four individuals, Complaint Counsel decided to only notice the deposition of Brophy and sought to confer with Respondents on July 19 about their availability prior to noticing Brophy’s deposition. *Id.* ¶ 24; Ex. L. Respondents’ Counsel took the position that the deposition could not take place under the Court’s June 15 extension order. *Id.* As discussed above, the deposition would have taken place on July 27, but for Mr. Brophy’s failure to comply with the subpoena, (and, in fact, would have taken place much earlier but for Respondents refusals to comply with their discovery obligations and Commission rules).

**II. Legal Standard**

Rule 3.38(c) states that “in instances where a nonparty fails to comply with a subpoena or order, [the ALJ] shall certify to the Commission a request that court enforcement of the subpoena or order be sought.” Order at 5 (citing 16 C.F.R. § 3.38(c)); *see also In re Axon Enter., Inc.*, No. 9389, 2020 WL 5543022, at \*3 (Sept. 4, 2020) (certifying request where recipient failed and refused to comply with the subpoena).

Administrative Rule §3.34(a) provides that “[c]ounsel for a party may sign and issue a subpoena, on a form provided by the Secretary, requiring a person to appear and give testimony at the taking of a deposition to a party requesting such subpoena or to attend and give testimony at an adjudicative hearing.” Pursuant to Rule 3.31(c), parties may obtain 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. 16 C.F.R. § 3.31(c).

### **III. Brophy Has Refused to Comply with the Subpoena *Ad Testificandum***

Former Traffic Jam Event employee Justin Brophy failed to comply with a properly served subpoena *ad testificandum* requiring him to appear and give testimony at a deposition scheduled for July 27, 2021 at 10 am EST. Widor Dec. *Id.* ¶¶ 25-33; Ex. M-O. Complaint Counsel has contacted Brophy repeatedly about the subpoena, but Brophy has not responded to Complaint Counsel’s calls, voicemails, or e-mails. *Id.* Brophy has simply ignored the subpoena.

The subpoena was properly and duly noticed pursuant to the Court’s First Revised Scheduling Order and the Court’s extension order allowing Complaint Counsel “ten days to examine any discovery information or materials Respondents provide after June 11, 2021 and to issue any additional discovery requests based on such information or materials.” Order Granting Mot. to Extend Discovery Deadlines at 1. Respondents provided Brophy’s contact information on July 14, and Complaint Counsel issued the subpoena for Brophy’s deposition on July 20.<sup>1</sup> Widor Dec. *Id.* ¶¶ 23-25; Ex. L-M. No one has filed a motion or petition to limit or quash this subpoena in accordance with Rule 3.34(c).

Mr. Brophy’s testimony is relevant to the allegations in this case, Respondents’ defenses, and the proposed relief. *See also United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). According to Respondents’ witness disclosure, Mr. Brody is able to testify about “the products and services developed, disseminated, marketed, promoted, or provided by Respondents;

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<sup>1</sup> Respondents suggestion that Complaint Counsel could have easily obtained this information through its own searches is not persuasive and would reward Respondents for their discovery abuse in violation of Commission rules, including Rule 3.31. First, Complaint Counsel’s extension motion expressly contemplated the need for this information and the Extension Order broadly covers the long-delayed information provided by Respondents. Second, public database searches available to Complaint Counsel are limited and do not necessarily reflect current information, which Respondents actually possessed. Indeed, one such search listed two potential addresses for Brophy that overlapped in 2021 and were only as recent as April 2021.

communications with current and prospective customers; Respondents' role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials." Widor Dec. ¶ 6, Ex. D. Respondent Jeansonne testified that Brophy served as Traffic Jam Events' director of creative design and had primary responsibility for building the advertisements, designing the mail pieces, and dealing with the dealers during this process. Widor Dec., Ex. I. Throughout his deposition, Jeansonne expressed lack of knowledge and instead pointed to Brophy (and others) as having the relevant answers or information. *See e.g., id.*

**IV. Conclusion**

For the foregoing reasons, the Court should certify to the Commission a request that the Commission seek federal court enforcement of the Brophy subpoena.

Respectfully submitted,

July 28, 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

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2021, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

April Tabor  
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

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

Counsel for Respondents

I further certify that on July 28, 2021, I caused the foregoing document to be served via electronic mail to:

David Jeansonne  
david@trafficjamevents.com

July 28, 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  
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**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 and Rule 3.22(g), Complaint Counsel, Thomas Widor and Michael Tankersley, met and conferred by e-mail on July 28, 2021 with Respondents' Counsel, Etienne Balart, in an effort in good faith to resolve by agreement the issues raised by this motion. The parties have been unable to reach such an agreement.

Respondents' counsel states

“Respondents' position is that additional discovery (including enforcement, and the original notice of deposition sent outside of the July 16 deadline) is no longer allowed as the July 16 deadline has passed, and Respondents are focused on preparing for the hearing as opposed to engaging in further discovery, which prejudices Respondents ability to adequately prepare. Absent relief in the form of a new order from the Judge as to discovery (except as addressed in the June 15 Order), Respondents do not view this discovery as proper.”

[SIGNATURE PAGE FOLLOWS]



Dated: July 28, 2021

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](mailto:twidor@ftc.gov)

*Complaint Counsel*

**X200041**

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
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**DOCKET NO. 9395**

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL'S MOTION TO  
CERTIFY TO THE COMMISSION A REQUEST SEEKING COURT ENFORCEMENT  
OF A SUBPOENA AD TESTIFICANDUM ISSUED TO JUSTIN BROPHY**

Upon consideration of Complaint Counsel's Motion to Certify:

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

IT IS FURTHER ORDERED that Complaint Counsel's request for court enforcement of the subpoenas *ad testificandum* issued to Justin Brophy is certified to the Commission, with the recommendation that district court enforcement be sought.

ORDERED:

Date:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

**X200041**

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
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**In the Matter of**

**TRAFFIC JAM EVENTS, LLC, a limited  
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**DAVID J. JEANSONNE II,  
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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 Certify to the Commission a Request Seeking Court Enforcement of a Subpoena *Ad Testificandum* Issued to Justin Brophy ("Subpoena Enforcement Motion").
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. Respondents identified Justin Brophy as an individual likely to have discoverable information relevant to the complaint allegations, proposed relief, or defenses. Respondents stated that Justin Brophy was to be contacted through Respondents counsel.
4. Exhibit B is a true and correct copy of Respondents' Preliminary Witness List served on October 6, 2020. Respondents identified Justin Brophy as a potential witness and described the proposed testimony as relating 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.” Respondents stated that Justin Brophy was to be contacted through Respondents counsel.

5. Exhibit C is a true and correct copy of Respondents’ Supplemental Initial Disclosures served on November 6, 2020. Respondents identified Justin Brophy as an individual likely to have discoverable information relevant to the complaint allegations, proposed relief, or defenses. Respondents stated that Justin Brophy was to be contacted through Respondents counsel.
6. Exhibit D is a true and correct copy of Respondents’ Supplemental Preliminary Witness List served on November 6, 2020. Respondents identified Justin Brophy as a potential witness and described the proposed testimony as: “Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents’ role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.”
7. Respondents have not supplemented their initial disclosures or preliminary witness list since November 6, 2020.
8. Exhibit E is a true and correct copy of the e-mail and deposition notice for Respondents’ employees sent on December 11, 2020 to Respondents’ counsel. Complaint Counsel noticed depositions for Justin Brophy, Chad Bullock, Mariela Everst, David Jeansonne, and James Whelan. Respondents’ counsel never responded to the notice.
9. Exhibit F is a true and correct copy of an email chain in which Complaint Counsel Sanya Shahrabi followed up with Respondents to confirm the schedule for the depositions noticed on December 11.

10. Deposition and other discovery was deferred on December 23, 2020 because the parties signed a proposed consent order that would have resolved the matter if accepted by the Commission. After the Commission returned the matter to adjudication, on May 6, 2021, Complaint Counsel requested compliance with the outstanding discovery requests by Wednesday, May 12 and requested a meet and confer with Respondents to discuss deposition dates once the Court issued the revised scheduling order. *See id.*
11. The Court entered its First Revised Scheduling Order on May 7, 2021. Respondents did not respond to Complaint Counsel's request to confer on scheduling deposition dates. On May 18, 2021, Complaint Counsel again noticed the depositions of Respondent Traffic Jam Events employees Justin Brophy, Chad Bullock, Mariela Everst, David Jeansonne, and James Whelan. A true and correct copy of the e-mail and deposition notice for Respondents' employees sent on May 18, 2021 is attached as Exhibit G. Respondents refused to confirm the depositions.
12. Because Respondents' Initial Disclosures require that these individuals be contacted through counsel, Complaint Counsel requested clarification whether their depositions should be arranged through Respondents' counsel or whether Respondents would supplement the initial disclosure with updated contact information. Respondents' counsel represented on May 28 that he would work with Respondents to obtain the last known contact information. Having not responded, Complaint Counsel again requested in a June 3 e-mail that Respondents provide a "supplemental initial disclosure listing their contact information and whether their depositions should be arranged through Walker Jones." Exhibit H is a true and correct copy of this e-mail chain.

13. On June 8, 2020, Complaint Counsel filed a motion for sanctions against Respondents for violating the various Court orders, including the October 28 Order requiring Respondents to comply with their Rule 3.31 obligations. *See* Complaint Counsel’s Motion To Sanction Respondents For Violating The Court’s Discovery Orders.
14. While the sanctions motion was pending, Complaint Counsel conditionally moved the Court on June 10, 2020 to extend some of the discovery deadlines in light of Respondents’ failure to comply with orders to produce documents, respond to interrogatories and *amend or supplement initial disclosures*. Complaint Counsel’s Motion to Extend the Discovery Deadlines in the Scheduling Order. The Court granted Complaint Counsel’s extension motion on June 15, 2020, ordering that “Complaint Counsel shall have ten days to examine any discovery information or materials Respondents provide after June 11, 2021 and to issue any additional discovery requests based on such information or materials.” Order Granting Motion to Extend Discovery Deadlines at 1.
15. On June 22, 2020, Complaint Counsel deposed Respondent Jeansonne. Respondent Jeansonne frequently cited a lack of knowledge in response to a question and pointed to Traffic Jam Events personnel. For example, Respondent Jeansonne testified that Brophy served as Traffic Jam Events’ director of creative design and had primary responsibility for building the advertisements, designing the mail pieces, and dealing with the dealers during this process. He repeatedly indicated that Brophy had the relevant answers. Exhibit I is a true and correct copy of relevant excerpts from Jeansonne’s Deposition Transcript. (Tr. At 79-80, ln 24-25 & 1; 92-93, ln 23-25 & 1-2; 94 ln 4-7; 101, 16-19; 163 ln 6-10; pg. 166, ln 17-22; 169 ln 6-9).

16. During the deposition, Respondent Jeansonne provided telephone numbers for individuals on Respondents' witness list, including Justin Brophy, and indicated that he possessed Quickbooks records with information on their current or last known addresses. Exhibit J is a true and correct copy of the relevant excerpt from Jeansonne's Deposition Transcript. (Tr. At 29, lines 13-17).
17. On June 28, Complaint Counsel's paralegal, Eleni Broadwell, contacted Justin Brophy, Chad Bullock, and James Whelan by phone and via email to schedule depositions for the weeks of July 5 and July 12. None of these individuals employees returned Complaint Counsel's calls, voicemails, or emails.
18. On June 29, Complaint Counsel's paralegal contacted these three former employees again by phone and via email as well as Mariela Everst. None replied.
19. Given the former employees refusal to speak with Complaint Counsel by phone or email, Complaint Counsel repeatedly asked Respondents to provide the last known contact information for the former employees. A true and correct copy of this e-mail chain is attached as Exhibit K.
20. On July 7, 2021 and July 8, Complaint Counsel reminded Respondents counsel that "[w]e have not received the last known addresses for former employees" and "Mr. Jeansonne indicated he had current address information. . . ." *Id.*
21. On July 9, 2021, Respondents' counsel refused to comply with Respondents obligations to supplement and instead sought to leverage a demand "to produce Ms. Broadwell's last known address, as well as the addresses of the Commissioners as previously requested of Ms. Shahrabi, then we will reciprocate." *Id.*

22. On July 12, 2021, Complaint Counsel reiterated that Respondents still had not supplemented their initial disclosures. *Id.*
23. On July 14, 2021, Respondents finally provided the last known address information. Contrary to Respondents claim, this information was not previously provided or produced.
24. On July 19, 2021, Complaint Counsel sought to confer with Respondents about their availability prior to noticing the deposition of Justin Brophy. Respondents' Counsel took the position that the deposition was not permitted under the Court's June 15 order permitting Complaint Counsel to take certain discovery after July 16. A true and correct copy of this e-mail chain is attached as Exhibit L.
25. On July 20, 2021, Complaint Counsel issued a subpoena *ad testificandum* to Justin Brophy. The subpoena required Brophy to appear for a remote deposition on July 27, 2021 at 10 am EST. Exhibit M is a true and correct copy of the subpoena.
26. Exhibit N is a true and correct copy of the proof of service, which shows the subpoena was delivered by Federal Express on July 22, 2021 and signed by K. Feitl. Based on information and belief, K. Feitl is Kimberly Feitl, who is of suitable age and discretion then residing at Brophy's dwelling house or usual place of abode. Brophy and Feitl appear in public records for the property. *See* [https://liveacclaim.co.somerset.nj.us/AcclaimWeb/Document/DocDetails?incomingTransactionItemId=cmV4TVoN39g0Y8VtbLEBLf329Dn\\_tjikknqJrSo9qoGKvZngTycDhvLLbzL462TU](https://liveacclaim.co.somerset.nj.us/AcclaimWeb/Document/DocDetails?incomingTransactionItemId=cmV4TVoN39g0Y8VtbLEBLf329Dn_tjikknqJrSo9qoGKvZngTycDhvLLbzL462TU).
27. Complaint Counsel's paralegal also sent a copy of the subpoena to the email address for Justin Brophy on July 21. Exhibit O is a true and correct copy of the e-mail.
28. On July 23, Complaint Counsel's paralegal called Justin Brophy to confirm his participation in the July 27 deposition, leaving a voicemail.



29. On July 23, following the telephone call, Complaint Counsel's paralegal emailed Justin Brophy, asking him to confirm receipt of the subpoena. Exhibit P is a true and correct copy of the e-mail. Brophy did not reply.
30. Complaint Counsel's paralegal also sent Brophy information to access the virtual deposition on July 23. *See id.* Brophy did not respond.
31. The deposition was held on July 27. In addition to the court reporter, Michael Tankersley and Eleni Broadwell were present for Complaint Counsel and Etienne Balart and David Jeansonne were present for Respondents.
32. Justin Brophy did not appear for the video deposition. Complaint Counsel's paralegal called and e-mailed Brophy at approximately 10:13 am EDT on July 27 to determine if he intended to appear. Brophy did not respond.
33. Complaint Counsel convened the deposition around 10:20 am EDT. Complaint Counsel stated for the record that the subpoena required Brophy to appear for the deposition, that Brophy had not responded to any of the prior contacts by telephone or e-mail recounted. Complaint Counsel noted that Brophy was not present. After reserving Complaint Counsel's right to notice the deposition for another date and time, the deposition concluded.

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

Executed July 28, 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

**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)  
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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*

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# EXHIBIT B

**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  
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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 C

**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 entitles 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  
201 St. Charles Avenue, Suite 4900  
New Orleans, Louisiana 70170-5100  
(504) 582-8584

- 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  
Senior Assistant Attorney General  
Office of the Florida Attorney General  
Consumer Protection Division  
3507 East Frontage Road, #325  
Tampa, FL 33607  
(813) 287-7950
- o) Victoria Butler  
Director, Consumer Protection Division

Office of the Florida Attorney General  
3507 East Frontage Road, #325  
Tampa, FL 33607  
(813) 287-7950

- p) Elizabeth Lester Martin  
Assistant Attorney General  
Office of the Florida Attorney General  
3507 East Frontage Road, #325  
Tampa, FL 33607  
(813) 287-7950
- q) Emilie Burdette  
Assistant Attorney General  
Office of the Kansas Attorney General  
Consumer Protection & Antitrust Division  
120 SW 10<sup>th</sup> Ave., 4<sup>th</sup> 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., 5<sup>th</sup> 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)  
TAYLOR K. WIMBERLY (La. #38942)  
Jones Walker LLP  
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Facsimile: (504) 589-8584  
Email: ebalart@joneswalker.com  
lmastio@joneswalker.com  
j david@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' Supplemental Initial Disclosures has been forwarded to Complaint Counsel by email on November 6, 2020.

*/s/ L. Etienne Balart*



# 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' SUPPLEMENTAL PRELIMINARY WITNESS LIST**

Respondents, Traffic Jam Events, LLC (“Traffic Jam”) and David J. Jeansonne, II (collectively, “Respondents”), through undersigned counsel, pursuant to the Court’s Scheduling Order dated September 4, 2020 and the Court’s Order on Complaint Counsel’s Motion to Compel dated October 28, 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: Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents’ role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.*

- 2) 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: Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents' role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.*

- 3) 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: Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents' role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.*

- 4) 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: Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents' role in creating, developing, reviewing, editing, approving, and disseminating any advertisements or promotional materials.*

- 5) 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: Testimony regarding the products and services developed, disseminated, marketed, promoted, or provided by Respondents; communications with current and prospective customers; Respondents' role in creating, developing,*

*reviewing, editing, approving, and disseminating any advertisements or promotional materials.*

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

*Proposed Testimony: Testimony regarding MK Automotive's role in creating, developing, reviewing, editing, approving, or disseminating the mailer identified in the Complaint; communications with Respondents.*

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

*Proposed Testimony: Testimony regarding MK Automotive's role in creating, developing, reviewing, editing, approving, or disseminating the mailer identified in the Complaint; communications with Respondents.*

- 8) Eddie Williams  
6520 University Dr. NW  
Huntsville, AL 35806  
(256) 203-8191

*Proposed Testimony: Testimony regarding Landers McLarty Nissan's role in creating, developing, reviewing, editing, approving, or disseminating the mailer identified in the Complaint; communications with Respondents.*

- 9) Bill Cox  
4074 Ross Clark Circle NW  
Dothan, AL 36303  
(334) 794-0606

*Proposed Testimony: Testimony regarding Dothan Chrysler Dodge Jeep Ram FIAT's role in creating, developing, reviewing, editing, approving, or disseminating the mailer identified in the Complaint; communications with Respondents.*

- 10) 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.*

- 11) 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.*

- 12) 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.*

- 13) 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.*

- 14) Jennifer H. Pinder  
Senior Assistant Attorney General  
Office of the Florida Attorney General  
Consumer Protection Division  
3507 East Frontage Road, #325  
Tampa, FL 33607  
(813) 287-7950

*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) Victoria Butler  
 Director, Consumer Protection Division  
 Office of the Florida Attorney General 3507 East Frontage Road, #325  
 Tampa, FL 33607  
 (813) 287-7950

*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) Elizabeth Lester Martin  
 Assistant Attorney General  
 Office of the Florida Attorney General  
 3507 East Frontage Road, #325  
 Tampa, FL 33607  
 (813) 287-7950

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

*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: Testimony regarding allegations lodged in the consumer complaint regarding the Mailer and the reasonable person determination.*

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

*Proposed Testimony: Testimony regarding allegations lodged in the consumer complaint regarding the Mailer and the reasonable person determination.*

- 21) Thomas Andrews  
Brooksville, FL

*Proposed Testimony: Testimony regarding the Mailer he received and the reasonable person determination.*

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

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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' Supplemental Initial Disclosures has been forwarded to Complaint Counsel by email on November 6, 2020.

*/s/ L. Etienne Balart*

---



# EXHIBIT E

**From:** [Shahrasbi, Sanya](#)  
**To:** [Balart, Etienne](#); [Mastio, Lauren](#); [twimberly@joneswalker.com](mailto:twimberly@joneswalker.com); [Brickman, Jennifer](#); [david@trafficiamevents.com](mailto: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

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 NOTICE OF DEPOSITION TO TRAFFIC JAM EVENTS, LLC.

PLEASE TAKE NOTICE, that pursuant to the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.31 *et seq.*) and Rule 3.33(a) (16 C.F.R. § 3.33(a)), Complaint Counsel will take the deposition of the individuals listed below. The deposition will be conducted before a person authorized to administer oaths and will be recorded by stenographic means.

<u>Deponent Name</u>	<u>Date and Time</u>	<u>Location</u>
Brophy, Justin	January 5, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Everst, Mariela	January 6, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Bullock, Chad	January 8, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Jeansonne II, David J.	January 11, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Whelan, James “Jim”	January 13, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely
Lilley, William	January 14, 2021, at 9:00 a.m. CST	The deposition will be conducted remotely

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

December 11, 2020

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

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2020, I caused the foregoing document to be served via 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

December 11, 2020

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

# EXHIBIT F

**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](mailto:justinb@trafficjamevents.com)>  
**Sent:** Tuesday, May 11, 2021 11:24 AM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Cc:** Shahrasbi, Sanya <[sshahrasbi@ftc.gov](mailto: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](mailto:twidor@ftc.gov)>  
**Date:** Thursday, May 6, 2021 at 3:24 PM  
**To:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>, Jim Whelan <[jimw@trafficjamevents.com](mailto:jimw@trafficjamevents.com)>, Justin Brophy <[justinb@trafficjamevents.com](mailto:justinb@trafficjamevents.com)>  
**Cc:** "Shahrasbi, Sanya" <[sshahrasbi@ftc.gov](mailto:sshahrasbi@ftc.gov)>, "Broadwell, Eleni" <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>  
**Subject:** FW: In the Matter of Traffic Jam Events, LLC, Do. 9395-- Outstanding Discovery

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

Tom W.

---

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

David,

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

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

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

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

Tom W.

---

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

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

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

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

Best Regards,



Sanya S.

**Sanya Shahrabi**

Attorney

Federal Trade Commission-Division of Financial Practices

600 Pennsylvania Ave NW, CC-10218

Washington, D.C. 20580

(202) 326-2709

# EXHIBIT G

**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:

<b>Deponent Name</b>	<b>Date and Time</b>	<b>Location</b>
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

**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 NOTICE OF DEPOSITION TO TRAFFIC JAM EVENTS, LLC.**

PLEASE TAKE NOTICE, that pursuant to the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.31 *et seq.*) and Rule 3.33(a) (16 C.F.R. § 3.33(a)), Complaint Counsel will take the deposition of the individuals listed below. The deposition will be conducted before a person authorized to administer oaths and will be recorded by stenographic means.

<u><b>Deponent Name</b></u>	<u><b>Date and Time</b></u>	<u><b>Location</b></u>
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

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

May 18, 2021

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

**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2021, I caused the foregoing document to be served via electronic mail to:

David J. Jeansonne II  
President  
Traffic Jam Events, LLC  
2232 Idaho Ave.  
Kenner, LA 70062  
david@trafficjamevents.com

May 18, 2021

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

# EXHIBIT H

**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](mailto: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](mailto:ebalart@joneswalker.com)>  
**Sent:** Tuesday, June 8, 2021 4:33 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto: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](mailto:ebalart@joneswalker.com)

---

**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Tuesday, June 8, 2021 3:25 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto: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](mailto:ebalart@joneswalker.com)>  
**Sent:** Tuesday, June 8, 2021 9:44 AM  
**To:** 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto: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](mailto:ebalart@joneswalker.com)

---

**From:** David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>  
**Sent:** Friday, June 4, 2021 4:24 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; Balart, Etienne <[ebalart@joneswalker.com](mailto: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](mailto:david@trafficjamevents.com)  
w: [trafficjamevents.com](https://www.trafficjamevents.com)  
m: [504-628-3339](tel:504-628-3339)  
p: [800-922-8109 ext. 201](tel:800-922-8109)

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

On Jun 3, 2021, at 7:30 PM, Widor, Thomas <[twidor@ftc.gov](mailto: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](mailto:david@trafficjamevents.com)>

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

**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; Etienne Balart <[ebalart@joneswalker.com](mailto: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](mailto:david@trafficjamevents.com)

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

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

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

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

# EXHIBIT I

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FEDERAL TRADE COMMISSION

In the Matter of )  
TRAFFIC JAM EVENTS, LLC, a )  
Limited liability company, )  
and ) DOCKET NO. 9395  
DAVID J. JEANSONNE, II, )  
Individually and as an )  
Officer of TRAFFIC JAM )  
EVENTS, LLC, )  
\_\_\_\_\_ )

Tuesday, June 22, 2021

Via Zoom Videoconference

The above-entitled matter came on  
for investigational hearing, pursuant to subpoena,  
at 10:00 a.m.

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 APPEARANCES:

2

3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

4 TOM WIDOR, ESQ.

5 MICHAEL TANKERSLEY, ESQ.

6 SANYA SHAHRASBI, ESQ.

7 ELENI BROADWELL, PARALEGAL

8 U.S. Federal Trade Commission

9 600 Pennsylvania Avenue, N.W.

10 Washington, D.C. 20580

11 (202) 326-2118

12 ebroadwell@ftc.gov

13

14 ON BEHALF OF TRAFFIC JAM EVENTS, LLC, ET AL:

15 L. ETIENNE BALART, ESQ.

16 201 St. Charles Avenue

17 New Orleans, LA 70170-5100

18 (504) 582-8584

19 ebalart@joneswalker.com

20

21

22

23

24

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Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 I N D E X

2

3 WITNESS PAGE

4 DAVID JEANSONNE, II,

5 Examination by Mr. Widor . . . . . 7

6 Examination by Mr. Balart. . . . .198

7 Examination by Mr. Widor . . . . .201

8

9

10 E X H I B I T S

11 Number Description Page

12 Exhibit 1 Regal Kia CSV File 31

13 Exhibit 2 Regal Kia PDF 32

14 Exhibit 3 Sample Eblast 77

15 Exhibit 4 Answer and Defense with 108

16 Exhibits

17 Exhibit 5 Automotive Service 151

18 Announcement

19 Exhibit 6 3/24/20 COVID-19 Stimulus 154

20 Notice

21 Exhibit 7 Ford Match and Win Ad 167

22 Exhibit 8 November 18-21 Kia Ad 173

23

24 Exhibit 9 October 29-31 Nissan Ad 175

25

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 address, info@TrafficJamEvents.com?

2 A. Sure.

3 Q. What is that email address used  
4 for?

5 A. Information, if a dealer wanted  
6 to email us.

7 Q. I think you mentioned before  
8 Eblasts. What's that?

9 A. We send out emails to dealerships  
10 that are in our -- that we have records for. We  
11 send them this type of information. That's called  
12 an ABC sample; right? There's no dealer on it.  
13 There's no information.

14 That's why I was looking for the  
15 dealership. There is none. It's a sample.

16 Q. Okay. Who is responsible for  
17 managing the info@TrafficJamEvents.com email?

18 A. The info?

19 Q. Yes.

20 A. I believe Justin, Will, and Chad.  
21 That would be my answers under oath. If we're  
22 talking March '20, you know, like March 1, 2020,  
23 like we're playing back in time.

24 Q. Okay. Do you know who created  
25 this email?

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 A. I would guess Justin Brophy.

2 Q. Do you remember being involved in  
3 it at all?

4 A. I don't remember being involved  
5 in it, but I'm not going to say I didn't bless it.  
6 I certainly could have blessed it, you know. I  
7 could have had some input in it. But it looks  
8 like a pretty standard piece. That's a pretty  
9 standard piece for us.

10 I could have just taken that  
11 piece and just -- I don't know. I didn't do it,  
12 though. I mean, I'm responsible, but I didn't do  
13 it.

14 Q. I want to point you to the  
15 sentence that says, Our No. 1 recommended direct  
16 response postcard. Do you see that?

17 A. It looks like dumb and dumber.

18 Q. If I could bring you back to  
19 page 1 --

20 MR. BALART: Where is it? Page 1  
21 or page 2, the sentence that --

22 MR. WIDOR: Page 1, bottom of  
23 page 1. I think there's a way I can  
24 bring you back.

25 MR. BALART: Just hold on. This

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1                   When I tell you about -- one more  
2 thing: When I tell you about the \$2,500 lawsuit  
3 because the girl in Florida said it was  
4 misrepresented; you know, it looks like I won this  
5 right here.

6                   And she sued -- she didn't sue  
7 me. She sued the dealership, Mike Kastrenakes.  
8 I went to court and said, I've got it, Mike. I'll  
9 represent it. I went and represented it. They  
10 kicked it out. Right here, it says you have to be  
11 present and just -- you know, she claimed.

12                   So in Florida, it's legal. For  
13 the FTC, it's not. But in Florida, it's legal.  
14 But it wasn't my mail piece. She didn't sue me.  
15 The Courts didn't call me in. I went on behalf of  
16 his dealership, acting as representative of him.

17                   So, you know, I'm learning now  
18 that it's my responsibility. It's always been my  
19 take, and I'll prove that in court, that they  
20 approved every single ad. I'm not sure the dealer  
21 agrees; but at the end of the day, it is what it  
22 is.

23                   Q.       Explain -- so how do you know  
24 that the dealer was approving each and every ad?  
25 What process was in place?

Jeansonne, II

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1           A.       It can't go to print until they  
2 do. So you'll see when you depose Justin Brophy.  
3 Did the dealer approve every ad? Yes. What was  
4 the process? They had to give us an email back  
5 that says okay to print, or text message Will  
6 because Will liked to bastardize the system a lot.  
7 But they would say okay to print.

8                       We literally could not go to  
9 print without the approval of a dealer.

10           Q.       Do you know if dealers were  
11 having the ads reviewed for legal compliance?

12           A.       I don't know. I don't know. If  
13 I had to guess, maybe some. Well, some we do  
14 know; right? That's how we met Keith Meador, was  
15 the Butler Group said, You have to go through our  
16 lawyer. He has to approve it before any of us  
17 folks can do it.

18                       So we had to go through that  
19 process, because they wanted to protect  
20 themselves. So, yes, some were.

21           Q.       Would anyone from Traffic Jam  
22 Events ask the dealer if they were doing a legal  
23 compliance review?

24           A.       No. That's not my job.

25           Q.       Do you ever consult any state

Jeansonne, II

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1 Attorney General guides on auto advertising?

2 A. I'm sorry. Ask the question  
3 again.

4 Q. Do you ever consult like state  
5 Attorney General guides on auto advertising?

6 A. Sure. Justin Brophy can answer  
7 that question. But he has books and books and  
8 books that if the dealer said, Keep me compliant,  
9 he would absolutely keep them compliant.

10 Q. Would you consult any other kind  
11 of publications on advertising requirements for  
12 sweepstakes or prizes?

13 A. Whatever that means, yes, Justin  
14 would look at that.

15 For example, in Louisiana, you  
16 can't give away any cash in any way, shape, or  
17 form. We know that because we've learned it from  
18 the rules and regulations for the AG -- not the  
19 AG; it's not an AG -- from the commissioner's  
20 office.

21 In Georgia, it's ran through the  
22 AG's office. The AG's office says there's certain  
23 things that you have to do and certain things you  
24 can't give away such as cash. So, yes, we are  
25 aware of that and we would do it.

Jeansonne, II

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1           A.       Clear and conspicuous, I don't  
2 know how to say that without being a smart ass. I  
3 don't know. Clear is clear; conspicuous like it's  
4 inconspicuous you can't -- concise. What does  
5 concise mean? Confined, clear, direct.

6           Q.       Would anyone review Traffic Jam  
7 Events advertisements to see if they were clear  
8 and conspicuous?

9           A.       Again, that was the dealer's  
10 responsibility. That's why we sent it to them. I  
11 would say I looked at them. Everybody looked at  
12 them, Tom, but I don't know -- we didn't have a  
13 compliance person, if that's what you're asking.  
14 No, we didn't have a compliance person that looked  
15 at everything. Not that big.

16          Q.       Prior to our lawsuit, were you  
17 familiar with the Truth in Lending Act?

18          A.       Yes. I believe I -- I wasn't. I  
19 believe that Justin Brophy was. But, again, it's  
20 not up to us. If the dealer says, Hey, I want you  
21 to put this offer at this rate, again, I don't  
22 mean to put the dealers in the grease, you know.  
23 I'm already out of business. They already hate  
24 me.

25                    So I'm just being honest. I'm

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CERTIFICATE OF COURT REPORTER

I, Marilyn Morgan, Licensed Court Reporter and Notary Public for the State of Tennessee, do certify that the above deposition was reported by me and that the foregoing transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not an employee of counsel or any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

Subscribed and sworn to before me when taken, this 1st day of July, 2021.

  
MARILYN MORGAN, LCR #235  
Expiration Date: 6/30/22  
Notary Public, State of Tennessee  
Commission expires: 5/15/25





Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

DAVID JEANSONNE

I hereby certify that the individual representing himself to be the above-named individual appeared before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

MY COMMISSION EXPIRES:

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 WITNESS: DAVID JEANSONNE

2 DATE: June 22, 2021

3 CASE: Traffic Jam Events, LLC

4 Please note any errors and the corrections thereof  
5 on this errata sheet. The rules require a reason  
6 for any change or correction. It may be general,  
7 such as "to correct stenographic error" or "to  
8 clarify the record" or "to conform with the  
9 facts."

10 PAGE LINE CORRECTION REASON FOR CHANGE

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# EXHIBIT J

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FEDERAL TRADE COMMISSION

In the Matter of )  
TRAFFIC JAM EVENTS, LLC, a )  
Limited liability company, )  
and ) DOCKET NO. 9395  
DAVID J. JEANSONNE, II, )  
Individually and as an )  
Officer of TRAFFIC JAM )  
EVENTS, LLC, )  
\_\_\_\_\_ )

Tuesday, June 22, 2021

Via Zoom Videoconference

The above-entitled matter came on  
for investigational hearing, pursuant to subpoena,  
at 10:00 a.m.

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 APPEARANCES:

2

3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

4 TOM WIDOR, ESQ.

5 MICHAEL TANKERSLEY, ESQ.

6 SANYA SHAHRASBI, ESQ.

7 ELENI BROADWELL, PARALEGAL

8 U.S. Federal Trade Commission

9 600 Pennsylvania Avenue, N.W.

10 Washington, D.C. 20580

11 (202) 326-2118

12 ebroadwell@ftc.gov

13

14 ON BEHALF OF TRAFFIC JAM EVENTS, LLC, ET AL:

15 L. ETIENNE BALART, ESQ.

16 201 St. Charles Avenue

17 New Orleans, LA 70170-5100

18 (504) 582-8584

19 ebalart@joneswalker.com

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22

23

24

25

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 I N D E X

2

3 WITNESS PAGE

4 DAVID JEANSONNE, II,

5 Examination by Mr. Widor . . . . . 7

6 Examination by Mr. Balart. . . . .198

7 Examination by Mr. Widor . . . . .201

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10 E X H I B I T S

11 Number Description Page

12 Exhibit 1 Regal Kia CSV File 31

13 Exhibit 2 Regal Kia PDF 32

14 Exhibit 3 Sample Eblast 77

15 Exhibit 4 Answer and Defense with 108

16 Exhibits

17 Exhibit 5 Automotive Service 151

18 Announcement

19 Exhibit 6 3/24/20 COVID-19 Stimulus 154

20 Notice

21 Exhibit 7 Ford Match and Win Ad 167

22 Exhibit 8 November 18-21 Kia Ad 173

23

24 Exhibit 9 October 29-31 Nissan Ad 175

25

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 Q. Who did Justin report to?

2 A. I would say, if it came down to  
3 it, I guess Chad could walk in and make some  
4 decisions. But I would say me.

5 Q. Did any employees report to him?

6 A. Yes, Mercedes Lozano and Sean  
7 Miller. But Sean Miller was gone by March 1st.  
8 I'm sorry -- we're talking about March 1, 2020 --  
9 Mercedes Lozano.

10 Q. When did Sean Miller leave?

11 A. Years. I don't know. Five years  
12 ago or more.

13 Q. Do you have Justin Brophy's  
14 contact information?

15 A. Yes. I don't have his address.  
16 Again, I can get you that. That would be in my  
17 QuickBooks.

18 (585) 490-3347.

19 Q. What were Mariela Everst's duties  
20 and responsibilities?

21 A. Who's that?

22 Q. If I'm pronouncing it correctly,  
23 Mariela.

24 A. Oh, Mariela.

25 Q. Mariela. I apologize.

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CERTIFICATE OF COURT REPORTER

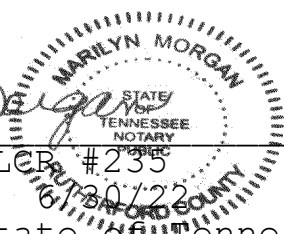
I, Marilyn Morgan, Licensed Court Reporter and Notary Public for the State of Tennessee, do certify that the above deposition was reported by me and that the foregoing transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not an employee of counsel or any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

Subscribed and sworn to before me when taken, this 1st day of July, 2021.

  
MARILYN MORGAN, LCR #235  
Expiration Date: 6/30/22  
Notary Public, State of Tennessee  
Commission expires: 5/15/25





Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

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CERTIFICATE OF DEPONENT

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DAVID JEANSONNE

I hereby certify that the individual representing himself to be the above-named individual appeared before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

MY COMMISSION EXPIRES:

Jeansonne, II

Traffic Jam Events, et al.

6/22/2021

1 WITNESS: DAVID JEANSONNE

2 DATE: June 22, 2021

3 CASE: Traffic Jam Events, LLC

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10	PAGE	LINE	CORRECTION	REASON FOR CHANGE
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# EXHIBIT K

**From:** [Balart, Etienne](#)  
**To:** [Tankersley, Michael](#)  
**Cc:** [Wimberly, Taylor](#); [Widor, Thomas](#); [Brickman, Jennifer](#); [David Jeansonne](#); [Shahrasbi, Sanya](#)  
**Subject:** RE: Traffic Jam Events-- June 29 Order and Former Employee Addresses  
**Date:** Wednesday, July 14, 2021 10:01:28 AM

---

Michael,

Although this information is in documents subpoenaed already, the last known addresses of former Traffic Jam employees are as follows:

Chad Bullock Redacted Confidential Personal Information

Jim Whelan Redacted Confidential Personal Information

Mariela Everst Redacted Confidential Personal Information

Justin Brohpy Redacted Confidential Personal Information

I would appreciate a response on the addresses of the Commissioners so that I may petition the ALJ for subpoenas to be issued for their appearance at the evidentiary hearing.

Etienne

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

---

**From:** Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Sent:** Monday, July 12, 2021 4:12 PM  
**To:** Balart, Etienne <ebalart@joneswalker.com>  
**Cc:** Wimberly, Taylor <twimberly@joneswalker.com>; Widor, Thomas <twidor@ftc.gov>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Shahrasbi, Sanya <sshahrasbi@ftc.gov>  
**Subject:** [EXTERNAL] RE: Traffic Jam Events-- June 29 Order and Former Employee Addresses

Etienne:

With regard to your statements regarding Complaint Counsels' response to discovery, Complaint Counsel has already produced any relevant, non-privileged documents responsive to Respondents' discovery requests. However, neither Respondents' requests nor the Commissions' Rules mandate that Complaint Counsel produce "all information in the form of documents etc that it intends to prove its case." Discovery is ongoing and Complaint Counsel will continue to produce relevant, non-privileged documents responsive to Respondents Requests that are in Complaint Counsels' possession, custody, or control, and required to be

disclosed under Commission Rules. In particular, following our telephone call on Friday, we have confirmed that the consumer complaints were produced as part of Complaint Counsels' productions to Respondents. See Attached (Sept. 4, 2020 transmittal message listing Secure File Downloads). Your accusations that Respondents have improperly withheld materials have no foundation.

With respect to Respondents' obligation to produce documents, I will reiterate that the Mindset email server has never been made available to us, nor have we had the opportunity to start "the ESI collection process." Moreover, the document production that Respondents owe us is not limited to emails – as the document requests and the Court's orders make clear. Respondents are obligated to produce the materials and identify the materials for which they claim privilege, and may not withhold the production because Respondents have chosen not to review their own materials. Respondents have had ample time to identify any privileged materials in advance of the Court's July 13 deadline for compliance. Once again, please provide us with details regarding the material Respondents have collected for production including what (if any) documents are not digital, the format and volume of the digital files, and the means by which Respondents will produce them.

In addition to the document production and interrogatory responses, Respondents also owe us supplemental initial disclosures -- including the last known addresses for former employees. Your position that Respondents demand that we provide the Commissioners' addresses as a precondition for Respondents to comply with this obligation is improper and unfounded. Your plan is inconsistent with the Rule requiring prior authorization to examine the Commissioners.

Finally, the Commission's decision to seek injunctive relief against Respondents last year is not under review in this proceeding and our former paralegal's recollection of the investigation is protected. If you, nonetheless, notice her deposition, we are authorized to accept the subpoena but will oppose the deposition as improper.

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

---

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

**Sent:** Monday, July 12, 2021 10:57 AM

**To:** Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>

**Cc:** Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; David Jeansonne <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>

**Subject:** RE: Traffic Jam Events-- June 29 Order and Former Employee Addresses

Michael,

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

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

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

As far as the Commissioners go, and last knowns, I need the addresses to prepare subpoenas for testimony at trial, so please send that to me and I will provide you with the last knowns. With respect to the paralegal, I was told earlier that I would have to coordinate her deposition, which is why I was provided a phone number that simply rings out. If you would like to produce her this week, let me know a time and date. I intend to ask her the simple questions of what *factual*

information the FTC possessed to include in the Complaint, and the *source* of that *factual* information. Although I may be dense, I don't see how either of those lines of inquiry could possibly be "privileged," especially if the answer is "only the stuff that the Florida AG sent over to us" plus everything that Tom had me try to dig up between the time we filed in EDLA (July 16) and the PI hearing. Of course, we would not ask for anything that Tom directed her to do, but are certainly entitled to know if she interviewed any consumers (which you indicated is discoverable in our call Friday) and/or obtained any documents.

Etienne

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

---

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

Etienne,

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

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

We again request the addresses for the former Traffic Jam Events employees. The Court ordered Respondents to provide amended disclosures in October, and the Court's most recent

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

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

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

---

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

Michael –

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

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



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

Etienne

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

---

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

Etienne,

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

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

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

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

---

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

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

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

Etienne

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

---

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

Etienne:

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

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

- Complete and responsive answers to Complaint Counsel's First Set of Interrogatories
- Material responsive to Complaint Counsel's Requests for Production of Documents, including,

without limitation:

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

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

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

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

(202) 326-2991

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

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

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

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

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

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

Sanya --

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

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

Etienne

L. Etienne Balart | Partner

Jones Walker LLP

D: 504.582.8584 | M: 504.756.2192

[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)

# EXHIBIT L

**Widor, Thomas**

---

**From:** Balart, Etienne <ebalart@joneswalker.com>  
**Sent:** Wednesday, July 21, 2021 4:00 PM  
**To:** Widor, Thomas  
**Cc:** Broadwell, Eleni; Shahrabi, Sanya; 'David Jeansonne'; Wimberly, Taylor; Brickman, Jennifer; Tankersley, Michael  
**Subject:** RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Tom,

Before you all go making more misrepresentations to the ALJ about discovery, in the span of about 2 minutes I was able to: (i) locate Justin's LinkedIn page, noting his residence in Hillsborough; and (ii) locate the address you used in the Subpoena on multiple webpages by simply typing in "Brophy" and "Hillsborough." I did not even use any of the fancy people finding software that the government probably gives you guys access to.

As noted, we are not in agreement regarding this deposition proceeding under the June 15<sup>th</sup> Order.

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>  
**Sent:** Wednesday, July 21, 2021 2:20 PM  
**To:** Balart, Etienne <ebalart@joneswalker.com>  
**Cc:** Broadwell, Eleni <ebroadwell@ftc.gov>; Shahrabi, Sanya <sshahrabi@ftc.gov>; 'David Jeansonne' <david@trafficjamevents.com>; Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Subject:** [EXTERNAL] RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Etienne, the subpoena has been issued as we indicated earlier this week. Respondents had multiple opportunities to supplement their Initial Disclosures, provide contact information, or make Respondents' (former) employees available since May. We made multiple requests for that information, and you had promised that information back in May. We did not receive it from Respondents until last week. Under the terms of the June 15 order, we are entitled to proceed.

---

**From:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Sent:** Wednesday, July 21, 2021 2:34 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Subject:** RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Tom,

FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 7/28/2021 | Document No. 602069 | PAGE Page 103 of 118 PUBLIC \*  
Respondents do not agree that this deposition (among others) could take place under the June 15th order, attached. I am not aware of anything that has transpired between June 11 and today that was not known prior to June 11 and on which Mr. Brophy could have been deposed. Am I missing something here?

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:** Tuesday, July 20, 2021 1:58 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Subject:** [EXTERNAL] RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Etienne, we are proceeding pursuant to the Court's June 16 order. Let us know if next Tuesday works.

Tom

---

**From:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Sent:** Tuesday, July 20, 2021 1:38 PM  
**To:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Cc:** Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Subject:** RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Tom – aren't we out of the discovery period? What are the grounds for more discovery (except what we agreed to Thursday re Saunders) after July 16?

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

---

**From:** Widor, Thomas <[twidor@ftc.gov](mailto:twidor@ftc.gov)>  
**Sent:** Monday, July 19, 2021 7:24 PM  
**To:** Balart, Etienne <[ebalart@joneswalker.com](mailto:ebalart@joneswalker.com)>  
**Cc:** Broadwell, Eleni <[ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)>; Shahrabi, Sanya <[sshahrabi@ftc.gov](mailto:sshahrabi@ftc.gov)>; 'David Jeansonne' <[david@trafficjamevents.com](mailto:david@trafficjamevents.com)>; Wimberly, Taylor <[twimberly@joneswalker.com](mailto:twimberly@joneswalker.com)>; Brickman, Jennifer <[jbrickman@joneswalker.com](mailto:jbrickman@joneswalker.com)>; Tankersley, Michael <[MTANKERSLEY@ftc.gov](mailto:MTANKERSLEY@ftc.gov)>  
**Subject:** [EXTERNAL] RE: Docket No., 9395, In re Traffic Jam Events, LLC et al., Third Party Subpoena -- Justin Brophy

Etienne,

We intend to notice Justin Brophy's deposition. Before sending it tomorrow, we wanted to confer about your availability but we intend to have the Secretary's office issue subpoena for next Tuesday as a placeholder given Mr. Brophy's refusal to respond to us. Please let us know if next Tuesday at 10am EST works or please propose other dates next week.

**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 M



# Subpoena to Testify at a Deposition

Provided by the Secretary of the Federal Trade Commission, and Issued Pursuant to Rule 3.34(a), 16 C.F.R. § 3.34(a) (2010)

<p>1. TO</p> <p>Justin Brophy 2 Norz Drive Hillsborough, NJ 08844</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to appear and give testimony at the taking of a deposition, at the date and time specified in Item 5, and at the request of Counsel listed in Item 8, in the proceeding described in Item 6.

<p>3. PLACE OF DEPOSITION</p> <p>Remote</p>	<p>4. YOUR APPEARANCE WILL BE BEFORE</p> <p>Thomas Widor or designee</p> <hr/> <p>5. DATE AND TIME OF DEPOSITION</p> <p>July 27, 2021, at 10:00AM (Eastern Standard Time)</p>
---	---

6. SUBJECT OF PROCEEDING

In the Matter of Traffic Jam Events, LLC and David J. Jeansonne II, Docket No. 9395

<p>7. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>8. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>Thomas Widor Federal Trade Commission 400 7th St SW Washington, DC 20024 (202) 326-3039</p>
--	---

<p>DATE SIGNED</p> <p>7/20/2021</p>	<p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p> <p><i>Thomas J. Widor</i></p>
-------------------------------------	--

### INSTRUCTIONS AND NOTICES

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

### PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this subpoena be filed within the earlier of ten days after service thereof or the time for compliance therewith. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 8.

### YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman) regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

### TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this subpoena should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel. Witness travelers can contact the FTC travel office for guidance at (202) 326-3299 or [travel@ftc.gov](mailto:travel@ftc.gov). PLEASE NOTE: Reimbursement for necessary transportation, lodging, and per diem expenses cannot exceed the maximum allowed for such expenses by an employee of the federal government.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCsRulesofPractice>. Paper copies are available upon request.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

---



---



---



---

*on the person named herein on:*

---

(Month, day, and year)

---

(Name of person making service)

---

(Official title)

# EXHIBIT N

**Broadwell, Eleni**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Thursday, July 22, 2021 3:24 PM  
**To:** Broadwell, Eleni  
**Subject:** FedEx Shipment 774317768581: Your package has been delivered



Hi. Your package was delivered Thu, 07/22/2021 at 3:21pm.

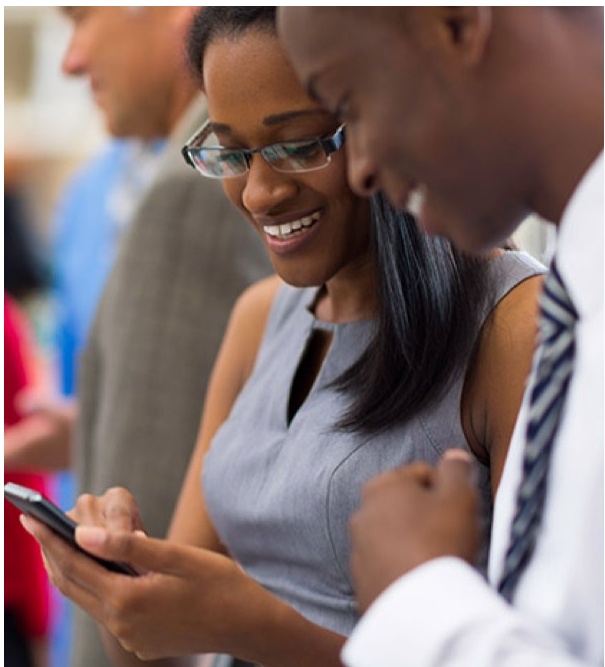


Delivered to 2 NORZ DR, HILLSBOROUGH, NJ 08844  
Received by K.FEITL

**OBTAIN PROOF OF DELIVERY**

<b>TRACKING NUMBER</b>	<a href="#">774317768581</a>
<b>FROM</b>	Federal Trade Commission 400 7th Street SW Drop 5422 Washington, DC, US, 20024
<b>TO</b>	Justin Brophy 2 Norz Drive HILLSBOROUGH, NJ, US, 08844

<b>PURCHASE ORDER NUMBER</b>	0616
<b>REFERENCE</b>	D09395
<b>SHIPPER REFERENCE</b>	D09395
<b>SHIP DATE</b>	Wed 7/21/2021 07:15 PM
<b>DELIVERED TO</b>	Residence
<b>PACKAGING TYPE</b>	FedEx Envelope
<b>ORIGIN</b>	Washington, DC, US, 20024
<b>DESTINATION</b>	HILLSBOROUGH, NJ, US, 08844
<b>SPECIAL HANDLING</b>	Deliver Weekday Residential Delivery DSR
<b>NUMBER OF PIECES</b>	1
<b>TOTAL SHIPMENT WEIGHT</b>	0.50 LB
<b>SERVICE TYPE</b>	FedEx Standard Overnight



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Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

# EXHIBIT O



## Broadwell, Eleni

---

**From:** Broadwell, Eleni  
**Sent:** Wednesday, July 21, 2021 3:11 PM  
**To:** brophy.justinm@gmail.com  
**Cc:** Balart, Etienne; david@trafficjamevents.com; Brickman, Jennifer; Wimberly, Taylor; Widor, Thomas; Shahrabi, Sanya; Tankersley, Michael  
**Subject:** RE: In the Matter of Traffic Jam Events - Subpoena to Testify at a Deposition  
**Attachments:** Sealed Subpoena to Testify at a Deposition\_Justin Brophy.pdf

Mr. Brophy,

My apologies – I issued the electronic courtesy copy to the wrong email address. Please find an electronic courtesy copy of a Subpoena to Testify at a Deposition, issued July 21. The deposition will take place on July 27 at 10:00AM (Eastern Standard Time).

You should also receive a physical copy at the address provided in the subpoena.

Best,

**Eleni Broadwell, Paralegal Specialist**

Bureau of Consumer Protection - Division of Financial Practices  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, DC 20580  
Desktop: (202) 326-3268 | Mobile: (202) 375-0087  
Email: [ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)

---

**From:** Broadwell, Eleni  
**Sent:** Wednesday, July 21, 2021 3:03 PM  
**To:** Justin Brophy <justinb@trafficjamevents.com>  
**Cc:** Balart, Etienne <ebalart@joneswalker.com>; david@trafficjamevents.com; Brickman, Jennifer <jbrickman@joneswalker.com>; Wimberly, Taylor <twimberly@joneswalker.com>; Widor, Thomas <twidor@ftc.gov>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Tankersley, Michael <MTANKERSLEY@ftc.gov>  
**Subject:** In the Matter of Traffic Jam Events - Subpoena to Testify at a Deposition

Mr. Brophy,

Please find an electronic courtesy copy of a Subpoena to Testify at a Deposition, issued July 21. The deposition will take place on July 27 at 10:00AM (Eastern Standard Time).

You should also receive a physical copy at the address provided in the subpoena.

Best,

**Eleni Broadwell, Paralegal Specialist**

Bureau of Consumer Protection - Division of Financial Practices  
Federal Trade Commission  
600 Pennsylvania Ave., NW



# EXHIBIT P

**Broadwell, Eleni**

---

**From:** Broadwell, Eleni  
**Sent:** Friday, July 23, 2021 11:19 AM  
**To:** brophy.justinm@gmail.com  
**Subject:** RE: REMINDER: In the Matter of Traffic Jam Events - Subpoena to Testify at a Deposition

Mr. Brophy,

Below, please find Zoom and AgileLaw information for your deposition. We received the information earlier than expected.

\*\*\*\*\*

For The Record, Inc. is inviting you to a scheduled Zoom meeting.

Topic: Deposition of Justin Brophy  
Time: Jul 27, 2021 10:00 AM Eastern Time

Join Zoom Meeting

<https://us06web.zoom.us/j/88221075281>

Meeting ID: 882 2107 5281  
Passcode: 258838

One tap mobile  
+13017158592,,88221075281#,,,,\*258838# US (Washington DC)  
+16465588656,,88221075281#,,,,\*258838# US (New York)

Dial by your location  
+1 301 715 8592 US (Washington DC)  
+1 646 558 8656 US (New York)  
+1 312 626 6799 US (Chicago)  
+1 346 248 7799 US (Houston)  
+1 720 707 2699 US (Denver)  
+1 253 215 8782 US (Tacoma)

Meeting ID: 882 2107 5281  
Passcode: 258838

Find your local number: <https://us06web.zoom.us/j/88221075281>

Join by SIP

88221075281@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 882 2107 5281

Passcode: 258838

**IMPORTANT NOTE TO COUNSEL: Please review the list of invitees to ensure all but only appropriate recipients are included (To: emails). Also, please monitor the Zoom participant list throughout the day.**

You have been invited to join an AgileLaw event.

Please go to <https://www.agilelaw.com/> and click “Join” in the top right of your screen.

Your PIN for this event is: [477-355-675](tel:477-355-675)

- You will need to access the event by way of the Zoom invite and the AgileLaw invite using a split-screen approach on one device; one device with two monitors; or two devices, including tablets.
- You will not have access to the deposition until the host lets you in. The access code will not allow you to preview exhibits. If you join too early, you will be dismissed and have to join again.
- Google Chrome is the preferred web browser when using AgileLaw.

Best,

**Eleni Broadwell, Paralegal Specialist**

Bureau of Consumer Protection - Division of Financial Practices

Federal Trade Commission

600 Pennsylvania Ave., NW

Washington, DC 20580

Desktop: (202) 326-3268 | Mobile: (202) 375-0087

Email: [ebroadwell@ftc.gov](mailto:ebroadwell@ftc.gov)

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**From:** Broadwell, Eleni

**Sent:** Friday, July 23, 2021 11:05 AM

**To:** brophy.justinm@gmail.com

**Subject:** REMINDER: In the Matter of Traffic Jam Events - Subpoena to Testify at a Deposition

As a reminder, the FTC has scheduled your deposition for **Tuesday, July 27 at 10:00AM** (Eastern Standard Time). An official, physical copy of the Subpoena to Testify at a Deposition should have been delivered yesterday. **Please confirm receipt of this subpoena and your participation in the deposition.**

I will provide Zoom and AgileLaw information on Monday, July 26. Please let me know if you have any questions.

Best,

**Eleni Broadwell, Paralegal Specialist**

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