

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

In the Matter of

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

and

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

DOCKET NO. 9395

**RESPONDENTS' MOTION FOR LEAVE TO FILE REPLY IN FURTHER SUPPORT
OF ITS MOTION TO COMPEL COMPLAINT COUNSEL TO COMPLY WITH
RESPONDENT'S REQUEST FOR PRODUCTION**

Respondents, Traffic Jam Events, LLC and David Jeansonne (collectively "Respondents"), through undersigned counsel, respectfully file this Motion for Leave to File Reply in Further Support of Its Motion to Compel Complaint Counsel to Comply with Respondent's Request for Production to directly address specific issues raised in the Opposition filed by Complaint Counsel, including that Respondents have waived the right to file the Motion to Compel and Complaint Counsel's citation to controlling authority concerning the propriety of "category" privilege logs. The proposed reply will assist the Court in deciding the discrete issue in the Motion to Compel, which is the sufficiency of the "categorical" privilege log in light of controlling jurisprudence and the specific facts of this case.

July 14, 2021

Respectfully submitted,

/s/ L. Etienne Balart

L. ETIENNE BALART (La. #24951)
TAYLOR K. WIMBERLY (La. #38942)

Jones Walker LLP

201 St. Charles Avenue – 48th Floor

New Orleans, LA 70170

Telephone: (504) 582-8584

Facsimile: (504) 589-8584

Email: ebalart@joneswalker.com

twimberly@joneswalker.com

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

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2021, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

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

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

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

Complaint Counsel

/s/ L. Etienne Balart

L. ETIENNE BALART

**UNITED STATES OF AMERICA
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**DAVID J. JEANSONNE II, individually and as
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DOCKET NO. 9395

**ORDER ON RESPONDENTS' MOTION FOR LEAVE TO FILE REPLY IN FURTHER
SUPPORT OF ITS MOTION TO COMPEL COMPLAINT COUNSEL TO COMPLY
WITH RESPONDENT'S REQUEST FOR PRODUCTION**

Considering Respondents' Motion for Leave to File Reply in Further Support of its Motion to Compel Complaint Counsel to Comply with Respondents' Request for Production of Documents,

IT IS ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that Respondent's reply brief shall be filed into the record of these proceedings.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

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

In the Matter of

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

and

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

DOCKET NO. 9395

**RESPONDENTS' REPLY MEMO IN FURTHER SUPPORT OF MOTION TO COMPEL
COMPLAINT COUNSEL TO COMPLY WITH RESPONDENTS' REQUEST FOR
PRODUCTION**

Respondents Traffic Jam Events, LLC and David Jeansonne (collectively "Respondents"), through undersigned counsel, respectfully file this Reply Memorandum in support of their motion to this Court for an order compelling the Federal Trade Commission ("FTC") to provide a *fully descriptive* privilege log that complies with the requirements of Rule 3.38.A. The opposition filed by Complaint Counsel desperately tries to avoid the simple issue: is the purposeful grouping of multiple documents in a single entry on a privilege log sufficient? The answer to that question is no because each individual document must be separately set forth so that the applicable privilege can be analyzed by Respondents as to *each* document, depending on the recipients, author, *et cetera*.

As a threshold matter, Complaint Counsel has waived any timeliness to the instant motion. During a discovery conference, and in light of new developments in the matter, including telephone calls with members of the Commission by Complaint Counsel and Individual Respondent wherein Complaint Counsel instructed Individual Respondent on what should be said

to the Commissioner, Counsel for Respondent noted that Complaint Counsel had not produced any documents in response to the Requests for Production, asserting privileges over every response, and therefore requested a privilege log. **Complaint Counsel agreed during this June 11 discovery conference to provide one.** Respondents continued to press for the production of the *agreed* privilege log so that any necessary motions could be filed or depositions noticed, and on June 25th, following the deposition of the sole FTC investigator (Kathleen Nolan), Respondents again confirmed the production of the privilege log as previously agreed. Respondents were told that Complaint Counsel would “get back” to them about the log that day, but were not contacted and therefore sent the correspondence attached as **Exhibit “D.”** The privilege log was produced that evening. Complaint Counsel’s attempt to argue untimeliness is contradicted by its agreement during the June 11th conference, and its subsequent production of a deficient privilege log.

Much of Complaint Counsel’s argument focuses on the merits of the discovery, ignoring that the purposeful obfuscation of timing and documents in a “treetop level” privilege log is the sole issue before the Court. To that end, Complaint Counsel’s memo ignores the specific burden of proof established by the Act and which governs the Commission’s actions here. Under 15 U.S.C. § 45(n), which provides:

The Commission shall have no authority under this section or section 57a of this title to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

At a minimum – but especially in a Complaint that was initiated without a single consumer complaint to the FTC or any investigation by the FTC or staff into whether there has been “substantial injury to consumers” – the identity and sources of the *factual information* in the

possession of the FTC as of August 7, 2020 is directly relevant to whether the jurisdictional threshold can even be met, as well as to the “reasonable consumer” standards employed to bring the Complaint.

As noted, the FTC’s privilege log does not identify any of the specific documents withheld under claim of privilege and does not identify the dates on which each of the withheld documents were created. For instance, in the first category of “privileged” documents there are apparently *51* total documents spanning almost five (5) months, between April 24 of 2020 and September 8, 2020. Dates are important, as one of the privileges asserted is the deliberative process privilege. Putting aside the evaluation of the merits of that privilege, it would certainly be relevant to assessing that privilege by whether the document was sent/received *before or after* the filing of the Complaint. The FTC’s first complaint was filed on June 16, 2020. After losing its motion for a preliminary injunction, the FTC then dismissed that matter on August 7, 2020, and filed the instant Complaint. What “facts” the Commission possessed, and when they possessed them, is relevant to the Complaint and Respondents defenses to same.

But the motion filed by Respondents does not seek to contest the merits of any asserted privilege, so Complaint Counsel’s focus on an alleged failure to establish “good cause” misses the mark. Respondents cannot even begin to determine the applicability of privilege or the relevance of information without knowing, first and foremost, who provided what, when, and to whom. For instance, one of the allegations being pursued by Complaint Counsel is that the stamping of “TIME SENSITIVE” on an envelope is false and deceptive. See Complaint at ¶9A. In fact, this verbiage is approved by the United States Postal Service, and in Category 5 of the deficient privilege log, Complaint Counsel identifies three documents created *after the Complaint was filed*. Respondents

are entitled to know the date of each of these communications and what documents (other than an email) were or were not exchanged.

Complaint Counsel’s log consisting of six broad categories of groupings of documents and simply fails to provide the information required by 16 C.F.R. § 3.38A. The author of a privilege log is obliged to separately list *each* document for which privilege is asserted and for *each* document, list the date, the type of document, the author(-s) of the document, whether the document has any attachments, and a general description of the nature of the document. The log is deficient because it (i) lumps numerous documents into six categories, does not contain dates for each document, does not identify the author and recipients of each document and, importantly, does not contain a general description of the *nature of the document*, instead making blanket assertions of the privilege, but not why the privilege applies to each *specific document*. Indeed, for those categories in which Complaint Counsel has asserted deliberative process, the log does not even allow Respondents to evaluate the touchstone of that privilege, i.e. whether it is “pre-decisional.” *MacNamara v. City of New York*, 249 F.R.D. 70, 77-78 (S.D.N.Y. 2008). Because the log does not include a description of the nature of the document, Respondents similarly cannot evaluate whether the withheld document is not “deliberative” because it concerns “purely factual” information regarding, for example, investigative matters or factual observations. *See, e.g., Grand Cent. P’ship, Inc. v. Cuomo*, 166 F.3d 473, 482 (2d Cir. 1999).

As has been noted:

Thus, a log of documents withheld on the basis of the deliberative process privilege should provide various pieces of information, including, but not limited to, a description of the decision to which the documents relate, the date of the decision, the subject-matter of the documents in issue, the nature of the opinions and analyses offered, the date that documents were generated, the roles of the agency employees who authored or received the withheld documents and the number of employees among whom the documents were circulated. These sort of details, while not exhaustive, would provide the receiving

party with sufficient facts to assess whether the documents were “related to the process by which policies are formulated.”

Nat'l Council of La Raza v. Dep't of Justice, 411 F.3d 350, 356 (2d Cir. 2005) (emphasis added).

The instant privilege log fails this simple test.

The single case cited by Complaint Counsel actually support Respondents position here, most directly in the fact that the district court ordered that the categorical privilege log *failed* to comply with F.R.C.P. 26 because it failed to specifically identify authors and recipients. *Auto. Club. Of NY, Inc. v. Port Auth. Of N.Y. & N.J.*, 297 F.R.D. 55 (S.D.N.Y. 2013). Furthermore, the categorical description was deemed sufficient because it described the **nature** of the document (i.e. a white paper) and met the criteria to allow for informed review of the log. Specifically, as the district court noted:

It [the log] does more than offer a conclusory assertion that the privilege applies. It describes the specific decision at issue as well as the related “sub-decisions,” the various factors and proposals that informed the decision-making process and the date ranges of the documents included within the category. This description provides enough specificity for AAA to evaluate how and whether the withheld documents relate to the process by which the decision was formulated.

Id. at 62 (emphasis added). The log submitted by Complaint Counsel does nothing other than assert that the privilege applies. It does not identify the decision at issues or the various factors and proposals that informed the decision-making process.

In its simplest form, Rule 3.38A requires a privilege log in the form of a schedule that “describes the **nature of the documents**, communications, or tangible things not produced or disclosed” and does do in a manner that allows Respondents the ability to **assess the claimed privilege**. The instant privilege log does not meet that requirement. A categorical privilege log is only adequate *if* it provides information about the nature of the withheld documents sufficient to enable the receiving party to make an intelligent determination about the validity of the assertion of the privilege. *In re Methyl Tertiary Butyl Ether (MTBE) Prods. Liab. Litig.*, 274 F.R.D. 106,

112 (S.D.N.Y. 2011). As summarized above, and from a simple review of the overly broad privilege log, the receiving party cannot begin to make intelligent determinations about the validity of the asserted privileges.

CONCLUSION

For these reasons, this Court should issue an Order compelling the FTC to issue a privilege log in compliance with Rule 3.38A, that specifically sets out separate documents (unless in a single grouping by way of email thread); the date of each document; that documents author (-s) and recipient(-s); and the nature of the document.

July 14, 2021

Respectfully submitted,

/s/ L. Etienne Balart

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

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

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2021, I caused the foregoing document to be served via the FTC's E-filing system and electronic mail to:

April Tabor
Acting Secretary
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The Honorable Michael Chappell
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600 Pennsylvania Avenue, NW
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Washington, DC 20506
twidor@ftc.gov
sshahrabi@ftc.gov

Complaint Counsel

/s/ L. Etienne Balart

L. ETIENNE BALART

Brickman, Jennifer

From: Balart, Etienne
Sent: Friday, June 25, 2021 6:08 PM
To: Shahrasbi, Sanya
Cc: Wimberly, Taylor; Brickman, Jennifer; David Jeansonne; Broadwell, Eleni; Widor, Thomas
Subject: Re: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Sanya,

I did not hear back from you regarding the privilege log issue. As today's deposition establishes a potentially large source of factual information that has not been produced, unless a privilege log is provided by Monday at the latest, we will be moving for relief from the Court. If you feel that we have not already had at least two meaningful meet and confers on this issue (Tom W agreed to provide one during a cal a few weeks back), please let me know.

Thanks, and have a good weekend.

Etienne

Sent from my iPhone

On Jun 24, 2021, at 5:22 PM, Shahrasbi, Sanya <sshahrasbi@ftc.gov> wrote:

Etienne,

Following up on our last email, here is Emilie Saunders' contact number: [REDACTED].

Sanya

Sanya Shahrasbi

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Monday, June 21, 2021 5:31 PM
To: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Sanya –

If the depositions are noticed on days I have signified our unavailability, we will just move for relief from the Court. We will notice the depositions of the Commissioners according to the rules. Please reserve

July 6th for those depositions. I do not expect any one of them to last more than 1.5 hours. Please send along Ms. Saunders last known contact information.

Etienne

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

From: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Sent: Monday, June 21, 2021 7:21 PM
To: Balart, Etienne <ebalart@joneswalker.com>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Etienne,

We have discussed with management, and we cannot agree to extend the discovery cutoff for depositions until July 31. Respondents will need to seek any relief separately from the Court. As we previously said, we will check if any of the proposed deponents are available earlier.

We have not received, and do not have, contact information for Bullock, Whelan, Brophy, and Everst. Please provide their last known addresses, telephone numbers, and email addresses.

As to the proposed Commissioner depositions Respondents seek, your reading of the rules, and Rule 3.33 in particular, is off base. The rules specify the process for seeking such depositions. You have not invoked this process and the topics you identify are outside the scope of discovery.

Emilie Saunders is no longer with the FTC, and you will need to subpoena her if you pursue deposing her. Her deposition does not warrant extending discovery or your time and effort. We do not intend to use her testimony or rely on her declaration in this proceeding. Her declaration in case no. 2:20-cv-01740 was limited to introducing corporate records, David's city and state, law enforcement filings, and searches relating to the COVID-19 mailers. If you nonetheless wish to subpoena her to appear for deposition, we will need to confirm her contact information.

Lastly, Kathleen Nolan is available at 8:30 CT on June 25th. Please provide her notice of the deposition.

Sanya

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Friday, June 18, 2021 11:41 AM
To: Shahrasbi, Sanya <sshahrasbi@ftc.gov>

Cc: Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Sanya --

I would propose a few things, including that we extend the discovery cutoff for depositions until July 31. I understand that you negotiated the Amended Scheduling order with David directly, but he was not represented at the time and certainly did not know my trial schedule. As much as Taylor and I would like to be in two places at once, that's just not going to be physically possible.

While we are attempting to be cooperative on discovery issues, I would like to understand Complaint Counsel's position regarding why we depositions of the FTC Commissioners who voted on the Complaint, as well as those that spoke with David about the allegations of the Complaint, are not proper under 16 CFR 3.33. As I have set out in prior emails, Respondents believe that each of these persons has information that "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." As far as an agreement to dates and locations for these depositions, I am not asking you or Tom to agree with me on this point, but simply refusing any cooperation on this issue does not seem to be within the Rules of practice or the spirit of good faith. A motion to quash the noticed depositions for the grounds that Tom cited earlier can only be filed after we get some dates and locations agreed to, and unless I am missing something seems like the correct way to handle this discovery dispute, as indicated by 16 CFR 3.33(b). As we intend on taking these depositions regarding their actions as Commissioners, and the FTC can only act through the Commission, I am not understanding how these depositions should not be initially arranged through your office, as counsel to the FTC. The persons below voted on the Complaint, and given the lack of evidence provided to Respondents in FTC's document responses, Respondents are entitled to information they relied upon to vote on the Complaint, as well as to ask questions concerning the evaluative standards employed by the FTC at the time the Complaint was voted on, as well as the circumstances concerning the dismissal of the federal court action. These questions, in addition to being probative as to the merits of the Complaint, also relate to Respondents defenses. We would like to depose the following:

<image001.png>

I do not have the records of what conversations were had with what commissioners, but my client informs me that was arranged through you and Tom, and that you all participated in these calls. I request that Complainant identify these Commissioners (to the extent they vary from the above list) and that we schedule their depositions as well. To conclude, I understand a disagreement over relevance, but that does not mean a party (the FTC) can refuse to make its personnel available. Let's get the dates locked in and you all can file your motion under 3.33(b).

Also, we would like to schedule the deposition of Emilie Saunders regarding the Affidavit she submitted in case no. 2:20-cv-01740. We could probably do it the same day as Ms. Nolan. Can you advise ASAP on that. Can we start Nolan at 8:30 Central? Finally, my understanding is that David has provided last knows, and that contact information for all of the ex-employees can be found in the voluminous documents that the FTC already has (emails, etc.). If you cannot locate that information in the document responses already received, please advise.

Etienne

L. Etienne Balart | Partner

Jones Walker LLP
D: 504.582.8584 | M: 504.756.2192
ebalart@joneswalker.com

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

From: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Sent: Friday, June 18, 2021 12:02 PM
To: Balart, Etienne <ebalart@joneswalker.com>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Etienne,

The parties agreed to this scheduling order in May. If you want to propose some relief from the court because of your scheduling conflicts, we are open to considering it. We also are willing to check if any of the proposed deponents are available the week of June 28, but we are not going to agree to effectively cut off discovery 2 weeks early. As you know, we are still seeking to depose Bullock, Whelan, Brophy, and Everst but have not received a reply from you or Respondents about their status or last knowns, which you had said on May 28 that you would provide.

Sanya

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Thursday, June 17, 2021 5:15 PM
To: Shahrasbi, Sanya <sshahrasbi@ftc.gov>
Cc: Wimberly, Taylor <twimberly@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; David Jeansonne <david@trafficjamevents.com>; Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: Re: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Sanya, these depositions could have been done in May, or June. You happened to pick the last two weeks before discovery closes, and in which both Taylor and I are in trial. We can do them the week of June 28. Or before.

Sent from my iPhone

On Jun 17, 2021, at 7:09 PM, Shahrasbi, Sanya <sshahrasbi@ftc.gov> wrote:

Etienne,

The close of discovery and the deadline for depositions is July 16. We had previously discussed and negotiated the scheduling order dates with David in May when the case returned to adjudication. We don't have much flexibility as a result if you are not available during the first two weeks of July. Please let us know how Respondents would like to proceed.

Kathleen Nolan is available both of those days, with a preference for Friday, June 25th. Please do provide her with formal notice.

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Thursday, June 17, 2021 2:19 PM
To: Shahrabi, Sanya <sshahrabi@ftc.gov>; Wimberly, Taylor <twimberly@joneswalker.com>;
Brickman, Jennifer <jbrickman@joneswalker.com>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Sanya,

I am unfortunately unable to commit to depositions right now for the week of July 12. I have a trial in federal court [2:19-cv-12948] where I am lead trial counsel [Taylor is also enrolled]. It is set as a five day jury trial. We will need to get other dates from those deponents. Given my trial schedule, the week of July 6 is also going to be problematic as I will be preparing for this trial. Unless David does not want me to attend, can we get some other dates?

I do plan on taking the investigator, but need to schedule it for the 24th/ or 25th if that is possible?

Etienne

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

From: Shahrabi, Sanya <sshahrabi@ftc.gov>
Sent: Thursday, June 17, 2021 2:51 PM
To: Balart, Etienne <ebalart@joneswalker.com>; Wimberly, Taylor <twimberly@joneswalker.com>;
Brickman, Jennifer <jbrickman@joneswalker.com>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Broadwell, Eleni <ebroadwell@ftc.gov>; Widor, Thomas <twidor@ftc.gov>
Subject: [EXTERNAL] RE: In re Traffic Jam Events, Subpoenas Ad Testificandum

Hi Etienne,

We wanted to follow up on our last email regarding third party depositions. We plan to notice the depositions of (1) a representative of Landers McLarty, (2) a representative of Dothan Chrysler Dodge, (3) Matthew Dennis of DealerApps, (4) Michael Kastrenakes, (5) Michael Taylor, and (6) William Lilley during the weeks of July 6 and July 12.

We have spoken to Bill Cox from Dothan and have him tentatively scheduled for Wednesday, July 14th at 10am CT.

Please let us know if you want to participate and if there are any days we should try to avoid. We plan to send the depositions out tomorrow.

Also, we have not received a deposition notice for our investigator, Kathleen Nolan. Do you still intend to depose her? If so, we would propose Wednesday, June 23rd.

Sanya

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

From: Widor, Thomas <twidor@ftc.gov>
Sent: Tuesday, June 15, 2021 2:34 PM
To: Balart, Etienne <ebalart@joneswalker.com>; twimberly@joneswalker.com; Brickman, Jennifer <jbrickman@joneswalker.com>; 'David Jeansonne' <david@trafficjamevents.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: In re Traffic Jam Events, Subpoenas Ad Testificandum

Etienne,

We intend to notice the depositions of (1) a representative of Landers McLarty, (2) a representative of Dothan Chrysler Dodge, (3) Matthew Dennis of DealerApps, (4) Michael Kastrenakes, and (5) Michael Taylor during the weeks of July 6 and July 12. We also intend to notice William Lilley's deposition during that time as David had informed us of his departure in December and provided his contact information.

Pursuant to the Court's scheduling order, we wanted to coordinate with you regarding your availability for the depositions prior to issuing the notices and subpoenas. Would you let us know your availability those two weeks.

Tom

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>