

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

**COMPLAINT COUNSEL’S MOTION TO COMPEL PLATINUM PLUS PRINTING,
LLC TO PRODUCE MATERIALS RESPONSIVE TO A SUBPOENA DUCES TECUM**

Pursuant to the Federal Trade Commission’s Rules of Practice 16 C.F.R. §3.38, Complaint Counsel respectfully move the Court for an order compelling Platinum Plus Printing, LLC (“PPP”) to produce responsive materials to a subpoena *duces tecum* issued on September 10, 2020 pursuant to Rule §3.34(b). PPP has acknowledged that it has responsive documents and information and yet has failed to produce any responsive material to date, to engage in any sincere meet and confer efforts, or to agree to a rolling production schedule.

I. Background

Complaint Counsel served a subpoena on PPP on September 10, 2020. Widor Decl., Ex. A. The evidence showed that PPP was assisting Respondents in executing their deceptive advertising and marketing, including the dissemination of one of the COVID-19 mailers cited in the Complaint.¹ *Id.*, ¶ 7 and Ex. E; Compl. Ex. A-C. Responses were due October 10, 2020. PPP sent a letter response on October 13, 2020, making numerous general objections with no

¹ Complaint Counsel is currently evaluating whether to seek leave to amend the complaint to add PPP as a Respondent in this administrative proceeding based on additional evidence obtained since the Commission issued the Complaint.

explanation or support. Widor Decl., Ex. B. PPP did not produce any documents as part of its response. *Id.*, ¶ 4.

Since that time, Complaint Counsel has repeatedly attempted to meet and confer and work with PPP to reach agreement on a reasonable production schedule pursuant to the subpoena. *See id.*, Ex. C. PPP has paid lip service to the notion of conferring in good faith and producing documents, and, instead, has delayed and made excuses to avoid complying with its discovery obligations. Complaint Counsel first contacted PPP concerning the subpoena response and a potential meet and confer on Monday, October 19, 2020. *Id.*, ¶ 11; Ex. C. Counsel for PPP responded, representing she was unavailable until Thursday afternoon. *Id.*, ¶ 12; Ex. C. To accommodate her availability, Complaint Counsel proposed a time for that afternoon. *Id.*, ¶ 13; Ex. C. PPP's counsel did not respond so Complaint Counsel again followed up on Wednesday to confirm her availability. *Id.*, ¶ 14; Ex. C. PPP's counsel was now no longer available the remainder of the week. *Id.*

A telephonic meet and confer was finally held on October 26, 2020. *Id.*, ¶ 15. During the meet and confer, PPP's counsel was unprepared to answer questions about PPP's data sources or retention policies. *Id.* PPP had not even determined relevant sources or custodians to discuss on the call. *Id.* Notwithstanding the inability to engage meaningfully on those issues, Complaint Counsel agreed to numerous limitations to facilitate the production of responsive material. *Id.*, ¶ 16. PPP's counsel indicated that she would speak with her client either the same day or the following day and agreed to respond by October 28. *Id.*, ¶ 17. Complaint Counsel subsequently memorialized the substance of the meet and confer, along with proposing a rolling production schedule, in a follow-up letter on October 27. *Id.*, Ex. D. PPP failed to respond as promised. *Id.*, ¶ 19; Ex. C. Since that time, PPP has continued to engage in a similar dilatory

pattern of not responding or being unavailable, merely abusing the discovery and meet and confer process. *See id.* PPP has not even represented an intent that they will be producing any documents to the subpoena.

As a result, Complaint Counsel now respectfully requests the Court to compel PPP to comply with its discovery obligations.

II. Legal Standard

Administrative Rule §3.34(b) provides that a subpoena may issue “commanding a person to produce and permit inspection and copying of designated books, documents, or tangible things.” The Rule further states that the subpoena “shall specify with reasonable particularity the material to be produced” and defines the term “documents” to include “written materials, electronically stored information, and tangible things.” Pursuant to Rule 3.31(c) of the Commission’s Rules of Practice, unless otherwise limited by order of the Administrative Law Judge, 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). When a third party fails to make any or inadequate disclosures required under Rule §3.34, as they have done so here, Complaint Counsel may move to compel their production under Rule §3.38.

III. PPP Has Refused to Comply with the Subpoena *Duces Tuce*m and to Produce Responsive Material

To date, PPP has yet to provide any responsive material to the subpoena notwithstanding its acknowledgement that it has responsive documents and information. The subpoena requests are specific and describe with reasonable particularity the documents requested, which are relevant to the claims made in the Complaint as well as Respondents’ defenses and the proposed relief.

The RFPs, for example, seek documents sufficient to show the relationship with Respondents as well as any related agreements or payments (RFPs 1-3); advertisements and related documents concerning their creation, development, and review (RFPs 4-5); how widely disseminated the advertisements were (RFP 6); additional representations and communications relating to the claims in the advertisements (RFPs 7-9); complaints and communications relating to the FTC (RFPs 10-11); and documents sufficient to show the relevant employees and third parties with responsibilities relating to the advertising and relationship with Respondents (RFP 12). *See* Widor Dec., Ex. B. These discovery requests are relevant to the allegations in this case, including that misrepresentations were made (in the advertising and the websites and phone numbers listed on the ads and at sale sites), whether Respondents have any substantiation or information calling into question the claims, whether the ads were widely disseminated; the existence of consumer injury; materiality; and knowledge and intent. The requests—a number of which are limited to documents sufficient to show—are not burdensome and the information is readily available to PPP. Indeed, PPP’s counsel even acknowledged that a number of the requests were “self-explanatory.” *See* Widor Dec., Ex. B.

Additionally, these requests are relevant from PPP because the requested “non-party documents may lead to information about the relationships of the parties, which may be relevant to determining liability or drafting an appropriate remedy.” *See, e.g., In re Basic Research, LLC*, Docket No. 9318, 2004 FTC Lexis 272 (Aug. 18, 2004). Besides PPP’s involvement in assisting Respondents with the advertising and promotional materials, the evidence also suggests numerous connections with Respondents, including the fact that Respondent Jeansonne is a manager of PPP and that the registered agent of PPP is also an employee of Respondent Traffic Jam Events. *See* Widor Dec., Exs. F-G.

Besides engaging in a series of dilatory tactics to abuse the discovery and meet and confer process, PPP raised numerous unsubstantiated objections that lack in either legal or factual support. In particular, PPP objects that the requests seek confidential or proprietary information, notwithstanding the existence of the Court's Protective Order. Widor Decl., Ex. B. (Obj. 2); *see In re La. Real Estate Appraisers Bd.*, Docket No. 9374 (FTC Jan. 3, 2018) (rejecting similar argument). PPP then raises a burden argument because the subpoena purportedly does not specify a timeframe. Widor Decl., Ex. B. (Obj. 4). The subpoena however specifically instructs that the timeframe is January 1, 2015 to the present. *See Id.*, Ex. A (Instruction 1). PPP next objects to the extent the subpoena is "vague, overly broad, and ambiguous, and inadequate arrangements have been made to reimburse PPP for its expenses in complying with the subpoena." *Id.*, Ex. B. (Obj. 5). PPP fails to provide any specific support for this objection, and it is well established that third party recipients generally are expected to bear the burden of the costs of discovery. *See, e.g., Order Denying Non-Party Great-West Healthcare's Motion for Cost Reimbursement, In re Evanston Northwestern Healthcare Corp.*, Docket No. 9315 (July 7, 2004). PPP then raises privilege objections even though it fails to provide a privilege log as required by Rule 3.38A. Widor Decl., Ex. B. (Obj. 6). PPP further objects to producing electronically stored information, even though as discussed above, PPP has not even identified relevant sources, custodians, or retention policies. *Id.*, Ex. B. (Obj. 7). Moreover, Complaint Counsel has since agreed to narrow the scope of the electronic search. *See Id.*, Ex. D.

Respondents objections are meritless and fail to provide any specificity. *See Hautala v. Progressive Direct Ins. Co.*, No. 08 5003, 2010 WL 1812555, at *14 (D.S.D. May 3, 2010)

(“The party resisting production of discovery bears the burden of establishing lack of relevancy or that complying with the request would be unduly burdensome.”).

IV. Conclusion

For the foregoing reasons, the Court should issue an order compelling PPP to comply with its discovery obligations and produce documents beginning within 5 days of the Court’s order granting this Motion.

Respectfully submitted,

November 6, 2020

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

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2020, 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

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

I also caused the foregoing document to be served via electronic mail and Federal Express to:

Lisa M. Lamm Bachman
Foley & Mansfield
250 Marquette Avenue, Suite 1200
Minneapolis, MN 55401
Counsel for Platinum Plus, Printing, LLC

November 6, 2020

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

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

SEPARATE MEET AND CONFER STATEMENT

Consistent with this Court’s Scheduling Order, Complaint Counsel, Sanya Shahrabi and Thomas Widor, along with paralegal Eleni Broadwell, met and conferred by telephone on October 26, 2020 with counsel, Lisa Bachman, for subpoena recipient Platinum Plus Printing, LLC (“PPP”) in a good faith effort to resolve the discovery disputes that are the subject of Complaint Counsel’s Motion to Compel Platinum Plus Printing, LLC to Produce Material Responsive to a Subpoena *Duces Tecum* (“Motion”). Both before and after the meet and confer, Complaint Counsel sought to confer with PPP’s counsel via email, including on October 19, 21, 27, 30 and November 2, and 5, 2020. PPP has repeatedly failed to engage in good faith efforts to meet and confer or to agree to produce any responsive materials. Consequently, Complaint Counsel has been unable to resolve the disputes that are the subject of the Motion via agreement.

Dated: November 6, 2020

Respectfully submitted,

/s/ Thomas J. Widor

Thomas J. Widor
Division of Financial Practices
Bureau of Consumer Protection

Federal Trade Commission
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, DC 20580
(202) 326-3039
twidor@ftc.gov
Complaint Counsel

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL'S MOTION TO
COMPEL PLATINUM PLUS PRINTING, LLC TO PRODUCE MATERIALS
RESPONSIVE TO A SUBPOENA DUCES TECUM**

Upon consideration of Complaint Counsel's Motion to Compel:

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

IT IS FURTHER ORDERED that Platinum Plus Printing, LLC shall produce responsive material to RFP Nos. 1, 2, 3, and 12 within five (5) days of the Court ruling.

IT IS FURTHER ORDERED that Platinum Plus Printing, LLC shall meet and confer within five (5) days of the Court ruling to agree on a custodian list and search protocol of electronically stored information ("ESI"). Platinum Plus Printing must make available at the meeting personnel knowledgeable about any information or records management systems, systems for ESI, custodians likely to have information responsive to the subpoena, and any other issues relevant to compliance with the subpoena.

IT IS FURTHER ORDERED that Platinum Plus Printing, LLC shall produce responsive material to RFP Nos. 4, 6, and 11 within ten (10) days of the Court ruling.

IT IS FURTHER ORDERED that Platinum Plus Printing, LLC shall produce all remaining responsive material to the subpoena within fifteen (15) days of the Court ruling.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

DECLARATION OF THOMAS J. WIDOR

1. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would testify competently under oath to such facts. This declaration is submitted in support of Complaint Counsel’s Motion to Compel Platinum Plus Printing, LLC to Produce Materials Responsive to a Subpoena *Duces Tecum* (“Motion to Compel”).
2. I am an attorney at the Federal Trade Commission and Complaint Counsel in this proceeding.
3. Exhibit A is a true and correct copy of the Subpoena *Duces Tecum* served on September 10, 2020.
4. Exhibit B is a true and correct copy of Platinum Plus Printing, LLC (“PPP”) response to the subpoena dated October 13, 2020. PPP did not produce any documents as part of its response.
5. Exhibit C is a true and correct copy of e-mail correspondence concerning PPP’s response and Complaint Counsel’s request for a meet and confer.
6. Exhibit D is a true and correct copy of Complaint Counsel’s letter following up on the meet and confer dated October 27, 2020.

7. Exhibit E is a true and correct copy of the USPS Confirmation Acceptance Notice tied to Permit No. 11 listed on the COVID-19 envelope described in the Complaint and Complaint Exhibits A-C.
8. Exhibit F is a true and correct copy of a warranty deed executed by Respondent David Jeanson II as manager of PPP dated May 1, 2020.
9. Exhibit G is a true and correct copy of Minnesota Secretary of State Business filing listing Jim Whelan as the registered agent for PPP. Respondents listed Jim Whelan on both their Initial Disclosures and Preliminary Witness List.
10. Exhibit G also lists a shared address for PPP with Respondent Traffic Jam Events, LLC of 2232 Idaho Avenue, Kenner, LA 70062. *See* Compl. ¶ 1.
11. I first contacted PPP concerning the subpoena response and a potential meet and confer on Monday, October 19, 2020.
12. Counsel for PPP responded the same day, representing she was unavailable until Thursday afternoon.
13. I promptly proposed a time for that afternoon to accommodate her availability.
14. Because PPP's counsel did not respond, I again followed up on Wednesday to confirm her availability. PPP's counsel responded that she was no longer available the remainder of the week.
15. A telephonic meet and confer was finally held on October 26, 2020. I attended on behalf of Complaint Counsel along with Sanya Shahrasbi and Eleni Broadwell. Lisa Bachman represented PPP. During the meet and confer, PPP's counsel was unprepared to answer questions about PPP's data sources or retention policies. I tried to ascertain whether

discovery would be burdensome. Based on my questions, PPP had not even determined relevant sources or custodians.

16. Notwithstanding the inability to engage meaningfully on those issues, we agreed to numerous limitations to facilitate the production of responsive material.
17. PPP's counsel indicated that she would speak with her client either the same day or the following day and agreed to respond by October 28 at the latest.
18. I subsequently memorialized the substance of the meet and confer, along with proposing a rolling production schedule, in a follow-up letter on October 27.
19. PPP failed to respond as promised. I followed up again on Friday, October 30, Monday, November, 2, and Thursday, November 5. PPP has continued to follow the pattern of not responding or claiming to be unavailable.

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

Executed November 6, 2020

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

EXHIBIT A



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Financial Practices

September 10, 2020

Via Federal Express

James Whelan
Platinum Plus Printing, LLC
701 6th Street NW
Maple Lake, MN 55358

RE: *In the Matter of Traffic Jam Events, LLC and David J. Jeanson II*, Docket Number 9395

Mr. Whelan:

Enclosed, find a Subpoena for Production of Documentary Material issued to Platinum Plus Printing, LLC. Additionally, please find a copy of the protective order issued in this case. Any questions may be directed to FTC Paralegal Specialist Eleni Broadwell at (202) 375-0087.

Sincerely,

Eleni Broadwell
Paralegal Specialist
Federal Trade Commission
Bureau of Consumer Protection
Division of Financial Practices



Subpoena for Production of Documentary Material

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

1. TO James Whelan Platinum Plus Printing, LLC 701 6th Street NW Maple Lake, MN 55358	2. FROM <p style="text-align: center;">UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION Eleni Broadwell Federal Trade Commission 400 7th St SW Washington, DC 20024 United States	4. MATERIAL WILL BE PRODUCED TO Eleni Broadwell 5. DATE AND TIME OF PRODUCTION October 10, 2020, by 5:00 pm (Eastern Time)
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6. SUBJECT OF PROCEEDING

In the Matter of Traffic Jam Events, LLC and David J. Jeansonne II, Docket Number 9395

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the attached Subpoena for Production of Documentary Material

8. ADMINISTRATIVE LAW JUDGE The Honorable Michael Chappell Federal Trade Commission Washington, D.C. 20580	9. COUNSEL AND PARTY ISSUING SUBPOENA Thomas Widor Federal Trade Commission 400 7th St SW Washington, DC 20024 (202) 326-3039
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DATE SIGNED Sep 10, 2020	SIGNATURE OF COUNSEL ISSUING SUBPOENA <p style="text-align: center;"><i>Thomas J Widor</i></p>
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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 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. 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 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. 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)

X200041

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

In the Matter of

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

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

DOCKET NO. 9395

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. 3.34, and the Definitions and Instructions set forth below, Complaint Counsel hereby requests that Platinum Plus Printing, LLC produce within 30 days all documents, electronically stored information, and other things in its possession, custody, or control responsive to the following requests.

I. REQUESTS FOR PRODUCTION

- 1. Documents** sufficient to show the corporate structure, ownership, officers, and directors of the **Company**, including, but not limited to, any relationship with **Traffic Jam Events** or **Individual Respondent**.
- 2. Documents** sufficient to show all **Agreements** between the **Company** and **Traffic Jam Events** or the **Company** and **Individual Respondent**.
- 3. Documents** sufficient to show all payments, including in-kind payments and purchases of goods and services, between the **Company** and **Traffic Jam Events** or the **Company** and **Individual Respondent**, including each payment amount, the date of each payment, and the reason for the payment.
- 4. Documents** sufficient to show all products and services, including, but not limited to, any **Advertisement** or **Promotional Material**, created, developed, disseminated, printed, or provided by the **Company** for or on behalf of **Traffic Jam Events** or any clients or customers of **Traffic Jam Events**, including but not limited to any automotive dealerships.
- All **Documents** relating to creating, developing, reviewing, editing, approving, or disseminating any **Advertisements** and **Promotional Materials** identified in response to Request for Production No. 4., including any documents substantiating or calling into question or disproving any claim in each **Advertisement** or **Promotional Material**.

6. All dissemination schedules for each **Advertisement** and **Promotional Material** identified in response to Request for Production No. 4, including, without limitation, documents sufficient to show (i) the media type, (ii) the beginning and ending dates of dissemination for each **Advertisement** and **Promotional Material**, (iii) the number of disseminations, (iv) the identity of each **Person** to whom each **Advertisement** and **Promotional Material** was disseminated, including the **Person's** name, address, telephone number, and email address.
7. All **Documents** relating to each **Person** identified in response to Request for Production No. 6, including all communications with the **Person**.
8. All **Communications** relating to **Traffic Jam Events** or any clients or customers of **Traffic Jam Events**, including but not limited to any automotive dealerships.
9. All **Communications** relating to any **Advertisement** and **Promotional Material** identified in response to Request for Production No. 4.
10. All **Communications** relating to the Federal Trade Commission.
11. All **Documents** relating to any **Complaint** relating to (i) **Traffic Jam Events** or (ii) any **Advertisement** or **Promotional Material** identified in response to Request for Production No. 4, including but not limited to any **Complaint** from any Better Business Bureau or governmental agency, **your** response to any **Complaint**, **Traffic Jam Event's** response to any **Complaint**, any settlement or resolution.
12. **Documents** sufficient to identify the **Person** or **Persons** with any responsibilities for or on behalf of the **Company** relating to (i) **Traffic Jam Events**, (ii) any clients or customers of **Traffic Jam Events**, including but not limited to any automotive dealerships, or (iii) the **Company's Advertisements** or **Promotional Materials**, including a description of the functions performed by each **Person** and the **Person's** full name, job title, company, and current employment status, and, if the **Person** is a company or other entity, its name and address.

II. DEFINITIONS

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

1. "**Advertisement(s)**" means any written or verbal statement, illustration, or depiction that promotes the sale or use of a good or service or is designed to increase consumer interest in a brand, product, or service. Advertising media includes, but is not limited to: packaging and labeling; mailers; promotional materials; print; television; radio; and Internet, social media, and other digital content.

2. “**Agreement(s)**” means any oral or written contract, arrangement, or understanding, whether formal or informal, between two or more persons, together with all modification or amendments thereto.
3. “**And**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
4. “**Any**” shall be construed to include “all,” and “all” shall be construed to include the word “any.”
5. “**Communication(s)**” means any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written or oral, and all discussions, meetings, presentations, telephone communications, text messages, instant messaging, or email.
6. “**Company**” means Platinum Plus Printing, LLC, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, predecessors, and affiliates, and all directors, officers, partners, members, employees, agents, consultants, franchisees, independent distributors, and any other person or entity working for or on behalf of the foregoing.
7. “**Complaint**” means any written, oral, or electronic complaint, accusation, allegation, arbitration, challenge, charge, claim, criticism, demand, dispute, grievance, lawsuit, mediation, or objection
8. “**Document**” or “**Documents**” are synonymous in meaning and equal in scope to the usage of the terms as defined by 16 C.F.R. § 3.34(b), and includes, without limitation, the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, journal, agenda, minute, code book, or label. “**Document**” shall also include electronically stored information (“ESI”). ESI means the complete original and any nonidentical copy (whether different from the original because of notations, different metadata, or otherwise), regardless of origin or location, of any electronically created or stored information, including, but not limited to, electronic mail, instant messaging, videoconferencing, and other electronic correspondence (whether active, archived, or in a deleted items folder), word processing files, spreadsheets, databases, and sound recordings, whether stored on cards, magnetic or electronic tapes, disks, computer files, computer or other drives, cell phones, Blackberry, PDA, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.

9. “**Each**” shall be construed to include “**every**,” and “**every**” shall be construed to include “**each**.”

10. “**Includes**” or “**including**” means “including, but not limited to,” so as to avoid excluding any information that might otherwise be construed to be within the scope of any document request.

11. “**Individual Respondent**” means David J. Jeansonne II.

12. “**Or**” as well as “**and**” shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any document request all documents that otherwise might be construed to be outside the scope.

13. “**Person**” or “**Persons**” means all natural persons, corporations, partnerships or other business associations, and all other legal entities, including all members, officers, predecessors, assigns, divisions, affiliates, and subsidiaries.

14. “**Promotional material**” means any document or thing designed or used to create interest in the purchasing of goods or services that is not counted as advertising, including, but not limited to: press releases, video news releases, and other communications with any print, television, or radio media, or any website designer, developer, manager, or host, or any online service; coupons; and payments for shelf space.

15. “**Relating to**” means discussing, describing, reflecting, referring, containing, analyzing, studying, reporting, commenting, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

16. “**Traffic Jam Events**” means Traffic Jam Events, LLC; and any parent, wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates thereof, and all directors, officers, partners, members, employees, agents, consultants, franchisees, independent distributors, and any other person or entity working for or on behalf of the foregoing, including, but not limited to, David J. Jeansonne II.

17. “**You**” or “**Your**” means Platinum Plus Printing, LLC, or any agent, employee, officer, or representative thereof.

18. The use of the singular includes the plural, and the plural includes the singular.

19. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

20. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by the Requests for Production shall include all documents created or in effect from **January 1, 2015 to the present**.

2. Documents that may be responsive to more than one Request need not be submitted more than once; however, your response shall indicate, for each document submitted, each Specification to which the document is responsive.
3. A complete copy of each document should be submitted even if only a portion of the document is within the terms of the Document Request. The document shall not be edited, cut, or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables, or other attachments.
4. All information submitted shall be clearly and precisely identified as to the Document Request(s) to which it is responsive. Each page submitted should be marked with a unique “Bates” document tracking number.
5. Documents covered by these specifications are those that are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity including attorneys, accountants, directors, officers, employees, independent contractors, and volunteers.
6. If any of the responsive documents are in the form of ESI, please produce these documents in their existing, native formats.
7. **Advertisements and Promotional material** submitted in response to these Requests for Production shall be submitted in the following form(s): For print documents, provide the original promotional material if available, or, if not available, color copies thereof. For audio-only (or radio) materials, provide a tape cassette or CD containing an audio file in a standard format, as well as a script and, if available, any audio out-takes. For video recordings, such as television advertisements, provide a DVD, CD, or VHS cassette containing a video file in a standard format, as well as a photoboard, script, and, if available, any video out-takes for each video recording. For Internet or other online materials, provide a CD (if in machine-readable form) or a clear color printout of all screens displayed in the promotional material and identify the site, forum, or address. For email, please produce in their existing native format.
8. If any requested material is withheld based on a claim of privilege, submit, together with such claim, a schedule of items withheld that states individually for each item withheld: (a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that item as privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.
9. On August 11, 2020, the Court entered a *Protective Order Governing Discovery Material* in this matter. A copy of the protective order is enclosed with instructions on the handling of confidential information.
10. In lieu of producing at the time, date, and place set forth on the subpoena, please contact Eleni Broadwell ((202) 326-3268; ebroadwell@ftc.gov) by email or telephone at least five days

before the return date for instructions on how to produce information responsive to this subpoena.

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

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Requests for Production of Documents has been prepared by me or under my personal supervision from records of Platinum Plus Printing, LLC and is complete and correct to the best of my knowledge and belief.

Where copies rather than original documents have been submitted, the copies are true, correct, and complete copies of the original documents. If the Commission uses such copies in any court or administrative proceeding, Platinum Plus Printing, LLC will not object based upon the Commission not offering the original document.

Signature of the Official

Title/Company

Printed Name of Official

Dated

CERTIFICATE OF SERVICE

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

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

Counsel for Respondents

September 10, 2020

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

PUBLIC


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

_____)	
In the Matter of)	
)	
Traffic Jam Events LLC,)	
a limited liability company,)	Docket No. 9395
)	
and)	
)	
David J. Jeansonne II, individually and as an)	
officer of Traffic Jam Events, LLC,)	
)	
Respondents.)	
_____)	

PROTECTIVE ORDER GOVERNING CONFIDENTIAL MATERIAL

Commission Rule 3.31(d) states: “In order to protect the parties and third parties against improper use and disclosure of confidential information, the Administrative Law Judge shall issue a protective order as set forth in the appendix to this section.” Pursuant to Commission Rule 3.31(d), the protective order set forth in the appendix to that section is attached verbatim as Attachment A and is hereby issued.

ORDERED:


D. Michael Chappell
Chief Administrative Law Judge

Date: August 11, 2020

ATTACHMENT A

For the purpose of protecting the interests of the parties and third parties in the above-captioned matter against improper use and disclosure of confidential information submitted or produced in connection with this matter:

IT IS HEREBY ORDERED THAT this Protective Order Governing Confidential Material (“Protective Order”) shall govern the handling of all Discovery Material, as hereafter defined.

1. As used in this Order, “confidential material” shall refer to any document or portion thereof that contains privileged, competitively sensitive information, or sensitive personal information. “Sensitive personal information” shall refer to, but shall not be limited to, an individual’s Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver’s license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual’s medical records. “Document” shall refer to any discoverable writing, recording, transcript of oral testimony, or electronically stored information in the possession of a party or a third party. “Commission” shall refer to the Federal Trade Commission (“FTC”), or any of its employees, agents, attorneys, and all other persons acting on its behalf, excluding persons retained as consultants or experts for purposes of this proceeding.
2. Any document or portion thereof submitted by a respondent or a third party during a Federal Trade Commission investigation or during the course of this proceeding that is entitled to confidentiality under the Federal Trade Commission Act, or any regulation, interpretation, or precedent concerning documents in the possession of the Commission, as well as any information taken from any portion of such document, shall be treated as confidential material for purposes of this Order. The identity of a third party submitting such confidential material shall also be treated as confidential material for the purposes of this Order where the submitter has requested such confidential treatment.
3. The parties and any third parties, in complying with informal discovery requests, disclosure requirements, or discovery demands in this proceeding may designate any responsive document or portion thereof as confidential material, including documents obtained by them from third parties pursuant to discovery or as otherwise obtained.
4. The parties, in conducting discovery from third parties, shall provide to each third party a copy of this Order so as to inform each such third party of his, her, or its rights herein.
5. A designation of confidentiality shall constitute a representation in good faith and after careful determination that the material is not reasonably believed to be already in the public domain and that counsel believes the material so designated constitutes confidential material as defined in Paragraph 1 of this Order.

6. Material may be designated as confidential by placing on or affixing to the document containing such material (in such manner as will not interfere with the legibility thereof), or if an entire folder or box of documents is confidential by placing or affixing to that folder or box, the designation “CONFIDENTIAL – FTC Docket No. 9395” or any other appropriate notice that identifies this proceeding, together with an indication of the portion or portions of the document considered to be confidential material. Confidential information contained in electronic documents may also be designated as confidential by placing the designation “CONFIDENTIAL – FTC Docket No. 9395” or any other appropriate notice that identifies this proceeding, on the face of the CD or DVD or other medium on which the document is produced. Masked or otherwise redacted copies of documents may be produced where the portions deleted contain privileged matter, provided that the copy produced shall indicate at the appropriate point that portions have been deleted and the reasons therefor.

7. Confidential material shall be disclosed only to: (a) the Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the Commission and its employees, and personnel retained by the Commission as experts or consultants for this proceeding; (b) judges and other court personnel of any court having jurisdiction over any appellate proceedings involving this matter; (c) outside counsel of record for any respondent, their associated attorneys and other employees of their law firm(s), provided they are not employees of a respondent; (d) anyone retained to assist outside counsel in the preparation or hearing of this proceeding including consultants, provided they are not affiliated in any way with a respondent and have signed an agreement to abide by the terms of the protective order; and (e) any witness or deponent who may have authored or received the information in question.

8. Disclosure of confidential material to any person described in Paragraph 7 of this Order shall be only for the purposes of the preparation and hearing of this proceeding, or any appeal therefrom, and for no other purpose whatsoever, provided, however, that the Commission may, subject to taking appropriate steps to preserve the confidentiality of such material, use or disclose confidential material as provided by its Rules of Practice; sections 6(f) and 21 of the Federal Trade Commission Act; or any other legal obligation imposed upon the Commission.

9. In the event that any confidential material is contained in any pleading, motion, exhibit or other paper filed or to be filed with the Secretary of the Commission, the Secretary shall be so informed by the Party filing such papers, and such papers shall be filed *in camera*. To the extent that such material was originally submitted by a third party, the party including the materials in its papers shall immediately notify the submitter of such inclusion. Confidential material contained in the papers shall continue to have *in camera* treatment until further order of the Administrative Law Judge, provided, however, that such papers may be furnished to persons or entities who may receive confidential material pursuant to Paragraphs 7 or 8. Upon or after filing any paper containing confidential material, the filing party shall file on the public record a duplicate copy of the paper that does not reveal confidential material. Further, if the protection for any such material expires, a party may file on the public record a duplicate copy which also contains the formerly protected material.

10. If counsel plans to introduce into evidence at the hearing any document or transcript containing confidential material produced by another party or by a third party, they shall provide advance notice to the other party or third party for purposes of allowing that party to seek an order that the document or transcript be granted *in camera* treatment. If that party wishes *in camera* treatment for the document or transcript, the party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives such notice. Except where such an order is granted, all documents and transcripts shall be part of the public record. Where *in camera* treatment is granted, a duplicate copy of such document or transcript with the confidential material deleted therefrom may be placed on the public record.

11. If any party receives a discovery request in any investigation or in any other proceeding or matter that may require the disclosure of confidential material submitted by another party or third party, the recipient of the discovery request shall promptly notify the submitter of receipt of such request. Unless a shorter time is mandated by an order of a court, such notification shall be in writing and be received by the submitter at least 10 business days before production, and shall include a copy of this Protective Order and a cover letter that will apprise the submitter of its rights hereunder. Nothing herein shall be construed as requiring the recipient of the discovery request or anyone else covered by this Order to challenge or appeal any order requiring production of confidential material, to subject itself to any penalties for non-compliance with any such order, or to seek any relief from the Administrative Law Judge or the Commission. The recipient shall not oppose the submitter's efforts to challenge the disclosure of confidential material. In addition, nothing herein shall limit the applicability of Rule 4.11(e) of the Commission's Rules of Practice, 16 CFR 4.11(e), to discovery requests in another proceeding that are directed to the Commission.

12. At the time that any consultant or other person retained to assist counsel in the preparation of this action concludes participation in the action, such person shall return to counsel all copies of documents or portions thereof designated confidential that are in the possession of such person, together with all notes, memoranda or other papers containing confidential information. At the conclusion of this proceeding, including the exhaustion of judicial review, the parties shall return documents obtained in this action to their submitters, provided, however, that the Commission's obligation to return documents shall be governed by the provisions of Rule 4.12 of the Rules of Practice, 16 CFR 4.12.

13. The provisions of this Protective Order, insofar as they restrict the communication and use of confidential discovery material, shall, without written permission of the submitter or further order of the Commission, continue to be binding after the conclusion of this proceeding.

EXHIBIT B

FOLEY & MANSFIELD

Chicago | Denver | Detroit | Edwardsville | Indianapolis | Kansas City | Los Angeles | Miami | **Minneapolis**
New Orleans | New York | Portland | St. Louis | Seattle | Tampa Bay | Walnut Creek

October 13, 2020

Lisa M. Lamm Bachman

Direct Dial: (612) 216-0216

llambachman@foleymansfield.com

Via Email Only

Eleni Broadwell
Federal Trade Commission
400 7th Street S.W.
Washington, D.C. 20024

Re: *In the Matter of Traffic Jam Events, LLC and David J. Jeansonne II*
Docket Number: 9395

Dear Ms. Broadwell:

Our firm has been retained to represent Platinum Plus Printing, LLC (PPP) with regard to the recent subpoena served by the Federal Trade Commission on September 10, 2020 concerning the above-referenced matter. Please accept this letter as a formal response and objection to the subpoena.

1. PPP objects to the subpoena to the extent it seeks to impose obligations greater than or different from the obligations imposed by 16 C.F.R. § 3.34(b).
2. PPP objects to the subpoena to the extent it seeks confidential, proprietary, or trade secret information.
3. PPP objects to the subpoena to the extent it seeks to impose an obligation to obtain responsive documents or information from third parties over whom PPP has no control.
4. PPP objects to the subpoena to the extent it is overly broad and burdensome in that it does not specify a timeframe for which the information is requested.
5. PPP objects to the subpoena to the extent it is vague, overly broad, and ambiguous, and inadequate arrangements have been made to reimburse PPP for its expenses in complying with the subpoena.
6. PPP objects to the subpoena to the extent it seeks information which is protected from disclosure by any applicable privileges and protections, including but not limited to, the attorney-client privilege and work product doctrine.

October 13, 2020

Page 2

7. PPP objects to the subpoena to the extent it purports to require PPP to produce electronic documents or data that are not reasonably accessible or no longer exist due to PPP's electronic document retention policy.
8. PPP objects to the subpoena to the extent it seeks confidential and private customer/member information protected by statutory and/or common law rights of privacy.
9. PPP objects to the subpoena to the extent it seeks irrelevant information that will not reasonably lead to the discovery of admissible evidence in this action.
10. PPP objects to the subpoena to the extent it seeks to require PPP to create documents that do not presently exist.
11. PPP reserves the right to assert additional general and specific objections as appropriate and to supplement these objections.

Subject to, and without waiving, the foregoing objections, PPP is willing to meet and confer regarding the scope of your requests for documents. In that regard, please contact me to discuss this matter.

Sincerely,

/s/ Lisa M. Lamm Bachman

Lisa M. Lamm Bachman

LLB:tab

cc: Client (via email)

EXHIBIT C

From: [Widor, Thomas](#)
To: [Lisa M. Lamm Bachman](#)
Cc: [Shahrasbi, Sanya](#); [Broadwell, Eleni](#); [Tricia A. Blaser](#)
Subject: RE: [EXTERNAL] Platinum Plus Printing
Date: Friday, November 6, 2020 10:26:00 AM

Ms. Bachman,

If your client makes a good faith production of the requested documents by 4pm EST, we are willing to delay the need to file a motion to compel. Your client has not been proceeding in good faith with either their discovery responses or meet and confer obligations, and we have no reason to believe further delay will result in an agreement. Your current request for an extension does not even suggest now that your client will agree to produce anything.

Your client has known about these requests for nearly two months. We finally met and conferred almost two weeks ago, last Monday, and proposed a production schedule to which we have yet to receive a response (notwithstanding your representation to do so last week). Each and every week, there has been a new excuse to avoid and delay.

With respect to the responses to Requests for Production Nos. 1, 2, 3 and 12 that we are requesting by today, you indicated during the meet and confer that these were straightforward. At this point, it is not credible to assert that your client has not had sufficient time to consider the requests and undertake efforts to comply with its legal obligations.

Tom W.

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

From: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Sent: Thursday, November 5, 2020 7:18 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Mr. Widor,

I have been in an arbitration hearing all week and have not had a chance to follow up with my client representative. I would appreciate the courtesy of a short extension as you have requested a significant amount of information and a deadline of 4pm tomorrow under the current circumstances is simply not reasonable.

In that regard, please advise as to whether you will a short extension to Monday (11/9) in which to provide a response and/or file your intended motion to compel.

Thank you.

Lisa M. Lamm Bachman
Managing Partner, Minneapolis | 612-216-0216

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

From: Widor, Thomas [<mailto:twidor@ftc.gov>]
Sent: Thursday, November 05, 2020 6:16 PM
To: Lisa M. Lamm Bachman
Cc: Shahrasbi, Sanya; Broadwell, Eleni; Tricia A. Blaser
Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

As we still have not heard from you and have not received any documents as discussed during last week's meet and confer or laid out in our follow-up letter, we intend to file a motion to compel tomorrow. Similar to our proposal in the letter, we are willing to forego filing if your client agrees to produce documents responsive to RFP Nos. 1, 2, 3, and 12 by 4pm EST tomorrow (which we previously requested by Wednesday), RFP Nos. 4, 6, and 11 no later than November, 11, 2020, and the remaining RFPS no later than November 20, 2020.

Tom W.

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

From: Widor, Thomas
Sent: Monday, November 2, 2020 6:13 PM
To: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

I'm writing to check in on the proposed production schedule from last week.

Best,

Tom W.

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

From: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Sent: Friday, October 30, 2020 3:20 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Mr. Widor,

Due to connectivity issues as a result of the recent hurricane, I have not had a chance to review and confirm with my client as he has had limited cell and Wi-Fi service. I will confirm with you as soon as I have a chance to confirm

with my client.

Lisa M. Lamm Bachman
Managing Partner, Minneapolis | 612-216-0216

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

From: Widor, Thomas [<mailto:twidor@ftc.gov>]
Sent: Friday, October 30, 2020 2:10 PM
To: Lisa M. Lamm Bachman
Cc: Shahrabi, Sanya; Broadwell, Eleni; Tricia A. Blaser
Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

I am following up on the meet and confer and our letter with the proposed production schedule. We had previously discussed that you would follow up with us on Wednesday, and, by letter, we asked for a reply by yesterday. We have not heard from you or received any substantive response to the subpoena yet. Please let us know if this schedule is agreeable or whether we need to seek the Court's assistance.

Thank you,

Tom W.

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

From: Widor, Thomas
Sent: Tuesday, October 27, 2020 6:59 PM
To: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

Thank you again for meeting with us to discuss the subpoena directed to your client Platinum Plus Printing. Following our meet and confer, please find attached a letter summarizing our discussion and a proposed production schedule.

Best,

Tom W.

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

From: Widor, Thomas

Sent: Monday, October 26, 2020 11:01 AM

To: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>

Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>

Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman, here is my call-in for the meet and confer this afternoon at 1:30 CST:

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

Tom W.

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

From: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>

Sent: Thursday, October 22, 2020 1:37 PM

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

Cc: Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>

Subject: RE: [EXTERNAL] Platinum Plus Printing

Great. Thank you.

Lisa M. Lamm Bachman

Managing Partner, Minneapolis | 612-216-0216

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

From: Widor, Thomas [<mailto:twidor@ftc.gov>]

Sent: Thursday, October 22, 2020 11:43 AM

To: Lisa M. Lamm Bachman

Cc: Shahrabi, Sanya; Broadwell, Eleni; Tricia A. Blaser

Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

Monday, Oct. 26 at 1:30pm CST works for us. I'm happy to circulate a call-in number.

Tom W.

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

From: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>

Sent: Thursday, October 22, 2020 9:59 AM

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

Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Tricia A. Blaser <tblaser@foleymansfield.com>

Subject: RE: [EXTERNAL] Platinum Plus Printing

Mr. Widor,

Unfortunately, I will not be available this afternoon and am booked the balance of the week. Would you be available for a call on Monday, October 26, 2020 at 1:30 p.m. (Central)?

Lisa M. Lamm Bachman

Managing Partner, Minneapolis | 612-216-0216

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

From: Widor, Thomas [<mailto:twidor@ftc.gov>]

Sent: Wednesday, October 21, 2020 3:33 PM

To: Lisa M. Lamm Bachman

Cc: Shahrasbi, Sanya; Broadwell, Eleni

Subject: RE: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

I was writing to confirm your availability for a meet and confer tomorrow at 2pm EST/1pm CST. Thank you.

Tom W.

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

From: Widor, Thomas
Sent: Monday, October 19, 2020 2:50 PM
To: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Thank you Ms. Bachman. Can we schedule a call for Thursday, 10/22 at 2pm EST/1 pm CST?

Tom W.

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

From: Lisa M. Lamm Bachman <llambachman@foleymansfield.com>
Sent: Monday, October 19, 2020 2:12 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Shahrasbi, Sanya <sshahrasbi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>
Subject: RE: [EXTERNAL] Platinum Plus Printing

Mr. Widor,

I previously provided a response on behalf of Platinum Plus Printing, LLC on October 13, 2020 in the attached email sent to Ms. Broadwell.

As far as availability for a meet and confer, I am scheduled for depositions and client meetings until the afternoon of Thursday (10/22) this week.

Thank you.

Lisa M. Lamm Bachman
Managing Partner, Minneapolis | 612-216-0216

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

From: Widor, Thomas [<mailto:twidor@ftc.gov>]
Sent: Monday, October 19, 2020 12:25 PM
To: Lisa M. Lamm Bachman
Cc: Shahrasbi, Sanya; Broadwell, Eleni

Subject: FW: [EXTERNAL] Platinum Plus Printing

Ms. Bachman,

I am one of the attorneys representing Complaint Counsel in the In re Traffic Jam Events matter. We have not received a response to the subpoena issued to Platinum Plus Print, LLC dated September 10, 2020. The response was due October 10. I'm writing to ascertain the status of the response and, if necessary, request a meet and confer.

Please let me know your availability today or tomorrow.

Sincerely,

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

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

From: Balart, Etienne <ebalart@joneswalker.com>
Sent: Friday, October 16, 2020 3:09 PM
To: Widor, Thomas <twidor@ftc.gov>
Cc: Mastio, Lauren <lmastio@joneswalker.com>; Brickman, Jennifer <jbrickman@joneswalker.com>; Shahrabi, Sanya <sshahrabi@ftc.gov>; Broadwell, Eleni <ebroadwell@ftc.gov>; Wimberly, Taylor <twimberly@joneswalker.com>; llambachman@foleymansfield.com
Subject: Re: [EXTERNAL] Platinum Plus Printing

Tom,

Apologies for dropping the ball on sending you that information. I believe they have responded and am copying in Ms. Bachman to this email string.

Etienne

Sent from my iPhone

On Oct 15, 2020, at 12:47 PM, Widor, Thomas <twidor@ftc.gov> wrote:

Etienne,

On our call last week, you indicated that you had contact information for counsel representing Platinum Plus Printing. We have not heard from them and have not received any responses to our subpoena. Would you please share that contact information with us.

Thank you,

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 D



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Thomas J. Widor, Attorney
Federal Trade Commission
Bureau of Consumer Protection
Division of Financial Practices
600 Pennsylvania Avenue, NW Mail Stop: CC-10232
Washington, DC 20580

Email: twidor@ftc.gov
Phone: 202-326-3039
Fax: 202-326-3768

TO: Lisa M. Lamm Bachman
Foley & Mansfield
250 Marquette Avenue, Suite 1200
Minneapolis, MN 55401

Email: llambachman@foleymansfield.com

DATE: October 27, 2020

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

Ms. Bachman,

Thank you for taking the time to meet and confer on October 27, 2020, regarding the Subpoena *Duces Tucem* issued to Platinum Plus Printing, LLC on September 10, 2020. In its written response dated October 13, 2020, Platinum Plus Printing asserted ten general objections to the Subpoena and did not produce any responsive materials to any of the requests for production (“RFP”). During our meet and confer yesterday, you represented that your client would be willing to produce documents on a rolling basis subject to some modifications. This letter summarizes our telephonic meet-and-confer held yesterday, organized by document request.

RFP No. 1: To date, Platinum Plus Printing has not produced any materials responsive to RFP No. 1. Based on our conversation, you indicated that this request was self-explanatory. As we discussed, this request seeks corporate governance documents sufficient to show corporate structure, ownership, officers, and directors of the Platinum Plus Printing as well as any relationship with Respondents Traffic Jam Events, LLC or David Jeanson II (collectively Respondents).

RFP No. 2: RFP No. 2 requests documents sufficient to show any agreements with Respondents. As we discussed, this request also is self-explanatory and would encompass any materials

In re Traffic Jam Events, LLC et al., D9395

reflecting any master agreements, memoranda of understanding, or other documents reflecting any formal or informal understandings between Platinum Plus Printing to either Respondent.

RFP No. 3: RFP No. 3 requests documents sufficient to show any payments from Respondents. We would be willing to accept a report or spreadsheet generated from an accounting or similar database to satisfy this request to the extent that it would show “each payment amount, the date of each payment, and the reason for the payment.”

RFP No. 4: RFP No. 4 requests documents sufficient to shows all products and services, including any Advertising and Promotional Material created, developed, disseminated, printed, or provided for or on behalf of Traffic Jam Events or its clients. As we discussed, we agree to accept a copy of each unique advertisement, even if the advertisement was modified to reflect different dealerships, offer terms, or sales dates for example. This request would also encompass any additional services, such as call centers, websites, or tent sale support. In each instance, Platinum Plus Printing should identify each dealership that used each unique advertisement, product, or service, and the dates during which it was disseminated or provided.

RFP Nos. 5, 7, 8, 9, 10: Platinum Plus Printing raised the concern that these requests may encompass custodians that were not involved in any substantive communications or other electronically stored information (“ESI”). We are willing to agree that Platinum Plus Printing may limit the relevant custodians to exclude personnel that are not likely to have any substantive communications concerning the subject matter of the advertisements or promotional materials or substantive communications with any consumers that received the advertisements or promotional materials.

RFP No. 6: As we discussed RFP No. 6 requests documents sufficient to show the consumers to which any products or services, including any advertisements or promotional materials, were disseminated. To the extent Platinum Plus Printing does not maintain formal dissemination schedules, we would request any documents identifying each consumer that received the product or service.

RFP No. 11: We do not fully understand Platinum Plus Printing’s relationship with Respondents, but, as we discussed, given the nature of the products and services, Platinum Plus Printing may not receive complaints directly or indirectly about any such advertising or promotional material. To the extent, it has received any such complaints, we would request their production consistent with RFP No. 11.

RFP No. 12: As we discussed, RFP No. 12 seeks documents sufficient to show any individuals with responsibilities relating to Respondents or their customers or their products or services. Company organizational charts and any job responsibility descriptions would likely satisfy this request.

We discussed how the discovery deadlines are very limited in this proceeding. To avoid the need for filing a motion to compel, we would request that Platinum Plus Printing produce documents responsive to RFP Nos. 1, 2, 3, and 12 no later than Wednesday, November 4, RFP Nos. 4, 6, and 11 no later than November, 11, 2020, and the remaining RFPS no later than

October 27, 2020

In re Traffic Jam Events, LLC et al., D9395

November 20, 2020. By October 29, 2020, please let us know if we misstated anything and if your client is agreeable to this rolling production schedule. If you have any questions or need additional information, you can reach me at twidor@ftc.gov or 202-326-3039.

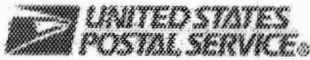
Sincerely,

A handwritten signature in blue ink, appearing to read "T. Widor".

Thomas J. Widor

cc: Sanya Shahrabi

EXHIBIT E



Electronic Confirmation
Acceptance Notice

USPS Generated

Note to Mailer: Your electronic postage statement has been submitted to the USPS *PostalOne!* system on Mar 24, 2020 07:47 AM

The labels and electronic mailing information associated to this form, **must** match the physical mailing being presented to the USPS® with this form.

Postage Statement ID: 374377725
Post Office of Permit: STATESBORO GA 30458-9999
 Mailing Group ID: 265197124
 Account Holder: PLATINUM PLUS PRINTING
Account Number: 9000026851
 Permit Holder: PLATINUM PLUS PRINTING
Permit Type and Number: PI 11
 Mail Agent: DXPM/TJ
 Mail Owner Name: PLATINUM PLUS PRINTING
 Mail Owner's Permit Type and Number:
 CRID: 28740919
 Customer Reference ID: C00074
Mail Class and Price Eligibility: USPS Marketing Mail - Regular
Processing Category: Flats
Single Piece Weight Declared by Mailer: 0.0800 lbs, (1.28 oz)
Total Mail Pieces Declared by Mailer: 20,000 pcs.
Total Weight Declared by Mailer: 1,600.0000 lbs.
Single Piece Weight Determined by USPS: 0.0800 lbs.
Total Mail Pieces Determined by USPS: 20,000 pcs.
Total Weight Determined by USPS: 1,600.0000 lbs.
 Part E Subtotal Postage: \$ 6.8500
 Part F Subtotal Postage: \$ 3,258.3700
 Total Postage Amount: \$ 3,265.22
Total Postage Due: \$ 3,265.22

Handling Unit:	1' MM Trays	2' MM Trays	2' EMM Trays	Flat Trays	Sacks	Pallets	Other
					75	8	

Important: Please bring your mailing by March 31, 2020 .

Post Office Of Mailing	Hours
STATESBORO-BULK MAIL	Mon, Tue, Wed, Thu, Fri 9:00 AM - 12:00 PM
1 S COLLEGE ST	Mon, Tue, Wed, Thu, Fri 1:00 PM - 3:00 PM
STATESBORO, GA 304589998	Sat Closed
	Sun Closed

Note:

*This mailing may be subject to additional verification at the time of acceptance.

EXHIBIT F

A1425482

05-05-2020 at 12:30 PM

Certified filed and or recorded on above date

TANYA WEST

WRIGHT COUNTY RECORDER

WRIGHT COUNTY, MN

Pages: **3** Fee Amount: **\$46.00**

This document has been electronically recorded.

Return To: ORNTIC - Minneapolis

No Delinquent Taxes
Transfer Entered
eCRV No. 1087335
Transfer Date: 05-05-2020
Deed Tax \$3,465.00
Ag Fee \$5.00
PID# 110-043-001020
Robert J. Hiivala
Wright County Auditor-Treasurer
By: KLG clerk
NOTES:

(Top 3 inches reserved for recording data)

WARRANTY DEED
Business Entity to Business Entity

Minnesota Uniform Conveyancing Blanks
Form 10.1.9 (2013)

eCRV number: 1087335

DEED TAX DUE: \$ 3465.00

DATE: MAY 1st, 2020

FOR VALUABLE CONSIDERATION, Platinum Plus Printing, LLC, a limited liability company under the laws of Minnesota ("Grantor"), hereby conveys and warrants to Clear Creek Land Company, LLC, a limited liability company under the laws of Minnesota ("Grantee"), real property in Wright County, Minnesota, legally described as follows:

Lots 1 and 2, Block 1, Judes Industrial Park Sixth Addition, according to the recorded plat thereof, and situate in Wright County, Minnesota.

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
See Attached Exhibit A Permitted Encumbrances.

Check the applicable box:

- The Seller certifies that the seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

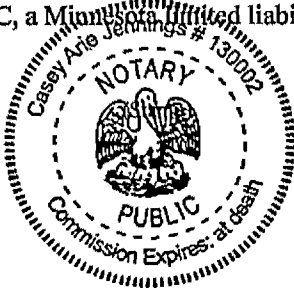
Platinum Plus Printing, LLC, a Minnesota limited liability company

[Handwritten Signature]

By: David Jeansonne
Its: Manager

State of Louisiana County of Jefferson

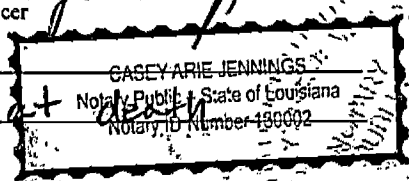
This instrument was acknowledged before me on April 29, 2020, by David Jeansonne as Manager of Platinum Plus Printing, LLC, a Minnesota limited liability company, on behalf of the limited liability company.



Casey A Jennings
Signature of notarial officer

Title (and Rank)

My commission expires



THIS INSTRUMENT WAS DRAFTED BY:

Old Republic National Title Insurance Company
Commercial Department
400 2nd Avenue South
Minneapolis, MN 55401
Phone: 612-371-1111
ORTE746441

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Clear Creek Land Company, LLC
P.O. Box 336
3360 Chelsae Road West
Monticello, MN 55362

Instrument not prepared by this Notary Public, attesting to signatures only

Casey A Jennings
Notary Public

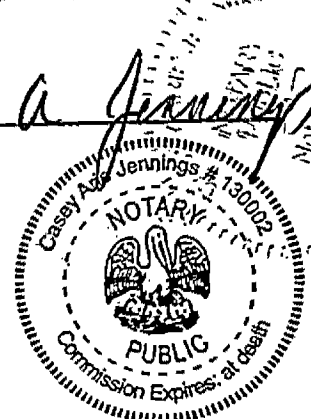


EXHIBIT A
PERMITTED ENCUMBRANCES

1. Real estate taxes and special assessments for the 2nd half of 2020 and thereafter, not yet due and payable.
2. Storm sewer easement in favor of the City of Maple Lake as evidenced by Quit Claim Deed filed April 28, 1981 as Document No. 355871, and as evidenced by Quit Claim Deed filed January 14, 1985 as Document No. 392701. Said easements are not located by a specific legal description.
3. Drainage and utility easements as shown on the recorded plat of Judes Industrial Park Sixth Addition.

EXHIBIT G

Business Record Details »

Minnesota Business Name

PLATINUM PLUS PRINTING, LLC**Business Type**

Limited Liability Company (Domestic)

MN Statute

322C

File Number

3760805-3

Home Jurisdiction

Minnesota

Filing Date

03/16/2010

Status

Active / In Good Standing

Renewal Due Date

12/31/2020

Registered Office Address701 6th St NW
Maple Lake, MN 55358-4636
USA**Registered Agent(s)**

James Whelan

Mailing Address2232 Idaho Avenue
Kenner, LA 70062
USA**Manager**701 6th St NW
Maple Lake, MN 55358
USA**Principal Executive Office Address**701 6th St NW
Maple Lake, MN 55358
USA**Business Mailing Address**400 Congress Str W
Maple Lake, MN 55358
USA**Filing History****Filing History**Select the item(s) you would like to order:

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	03/16/2010	Original Filing - Limited Liability Company (Domestic)	
	03/16/2010	Limited Liability Company (Domestic) Business Name (Business Name: PLATINUM PLUS PRINTING, LLC)	
<input type="checkbox"/>	2/25/2014	Registered Office and/or Agent - Limited Liability Company (Domestic)	
	1/1/2018	Conversion to 322C Due to Statute Mandate - Limited Liability Company (Domestic)	
<input type="checkbox"/>	12/2/2019	Registered Office and/or Agent - Limited Liability Company (Domestic)	
<input type="checkbox"/>	12/26/2019	Amendment - Limited Liability Company (Domestic)	