

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

In the Matter of

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

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

DOCKET NO. 9395

**COMPLAINT COUNSEL'S RESPONSE TO TRAFFIC JAM EVENTS, LLC AND
DAVID J. JEANSONNE II'S MOTION TO SET STATUS CONFERENCE**

Complaint Counsel does not oppose a status conference under Rule 3.21(f) if the Court believes one may be appropriate, but Complaint Counsel believes a settlement conference under Rule 3.25(a) will be unproductive. As discussed in numerous prior filings, Respondents have refused to participate in the administrative proceedings and have been dilatory in allowing the prosecution and defense of the proceedings through discovery. Because of Respondents' conduct, the Court now has a motion to compel and motion to certify enforcement of a third-party subpoena pending before it. In addition, numerous other discovery disputes remain outstanding, including disclosure of experts and the scheduling of depositions. Complaint Counsel has been unable to make any progress with Respondents on these issues.¹ To the extent the Court believes an additional prehearing conference may be appropriate under Rule 3.21(f), Complaint Counsel will be prepared to participate.

¹ Indeed, as recently as a call this afternoon, Respondents represented that they told nonparties that they "didn't have to comply" with the subpoenas and generally that Respondents would not be responding to discovery requests. If the Court deems necessary, Complaint Counsel can submit supporting declarations.

Complaint Counsel is committed to meaningful settlement negotiations that may facilitate the expeditious resolution of these proceedings but does not see any reasonable settlement prospect based on negotiations to date. Complaint Counsel repeatedly has explained to Respondents that any consent order must be approved by the Commission and must address the Commission's concerns expressed in the Complaint and the Notice of Contemplated Relief. In addition to providing a proposed consent order in September, Complaint Counsel repeatedly has reiterated the need for additional information and data—specific information requested both as part of discovery and settlement—to be able to recommend and justify a consent order. As recently as today, Complaint Counsel discussed the terms of a proposed order and offered to send a proposal. Respondents declined, stating we would “never come to terms.” Respondents’ negotiating strategy and discovery tactics raise serious concerns that any conference will not be productive. Nevertheless, Complaint Counsel is willing to participate in a Rule 3.25(a) conference if the Court exercises its discretion to convene one.

Respectfully submitted,

December 15, 2020

By: /s/ Thomas J. Widor
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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 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
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December 15, 2020

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