

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

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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.	)	

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**ORDER GRANTING COMPLAINT COUNSEL’S MOTION TO EXTEND  
DEADLINE FOR FINAL WITNESS LIST AND FINAL EXHIBIT LIST**

**I.**

On July 19, 2021, Federal Trade Commission (“FTC” or “Commission”) Complaint Counsel filed a motion to extend Complaint Counsel’s deadline for providing its final witness list and final exhibit list (“Motion”). Respondents Traffic Jam Events, LLC and David J. Jeansonne II (collectively, “Respondents”) filed an opposition on July 22, 2021. As set forth below, the Motion is GRANTED.

**II.**

Under the Scheduling Order issued May 7, 2021, Complaint Counsel’s deadline for providing its final witness list and final exhibit list is July 26, 2021. Complaint Counsel seeks an order extending this deadline to August 6, 2021. Complaint Counsel asserts that Respondents have failed to comply with discovery orders entered in this case necessitating a second motion for sanctions against Respondents.<sup>1</sup> Complaint Counsel argues that resolution of such motion will affect Complaint Counsel’s final determination as to witnesses and exhibits and that an extension of the deadline for Complaint Counsel to provide its final witness and exhibit lists will provide adequate time for a ruling on such motion.

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<sup>1</sup> Since the filing of the instant Motion, Complaint Counsel has filed a motion for sanctions.

Respondents oppose the Motion, arguing that Complaint Counsel has not identified good cause explaining why, based on its own investigation and knowledge of the acts and practices identified in the Complaint, Complaint Counsel cannot identify the witnesses and specific exhibits it intends to use at the September hearing. Respondents dispute that they have violated any discovery order.

### III.

Under Rule 3.21(c)(2), the Administrative Law Judge may grant a motion to extend any deadline or time specified in the scheduling order other than the date of the evidentiary hearing upon a showing of good cause. In determining whether to grant the motion, the Administrative Law Judge shall consider any extensions already granted, the length of the proceedings to date, the complexity of the issues, and the need to conclude the evidentiary hearing and render an initial decision in a timely manner. 16 C.F.R. § 3.21(c)(2). “Good cause exists when a deadline in a scheduling order ‘cannot be met despite the diligence of the party seeking the extension.’” *In re Gemtronics, Inc.*, 2009 FTC LEXIS 193, \*1 (Feb. 17, 2009) (quoting *In re Chicago Bridge & Iron Co.*, 2002 FTC LEXIS 69, \*2 (2002)).

This is the second request for an extension in this case, but the first request relating to Complaint Counsel’s final witness and exhibit list. Extending the July 26 deadline to August 6 will not prejudice Respondents or delay the hearing date. Good cause has been demonstrated for the requested extension. Therefore, the Motion is GRANTED and Complaint Counsel’s deadline to provide its final witness list and final exhibit list is extended from July 26, 2021 to August 6, 2021.

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: July 23, 2021