

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN HILLSBOROUGH COUNTY, FLORIDA  
- CIVIL DIVISION -**

**OFFICE OF THE ATTORNEY GENERAL,  
STATE OF FLORIDA,  
DEPARTMENT OF LEGAL AFFAIRS,**

Plaintiff,  
v.

**CASE NO:  
DIVISION:**

**TRAFFIC JAM EVENTS, LLC, a Louisiana  
Limited Liability Company; and  
DAVID J. JEANSONNE, II, an individual,**

Defendants.

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**COMPLAINT**

Plaintiff, Office of the Attorney General, State of Florida, Department of Legal Affairs (the “Attorney General” or “Plaintiff”), sues Defendants, Traffic Jam Events, LLC, a Louisiana limited liability company (“Traffic Jam”) and David J. Jeansonne, II, an individual (“Jeansonne”) (collectively, “Defendants”), and respectfully alleges the following:

**INTRODUCTION**

1. While the entire world faces a global pandemic due to COVID-19, the Defendants in this action have attempted to use the pandemic to their economic advantage by, among other things, sending out false, deceptive and unfair solicitations to Florida consumers (i) falsely purporting to have COVID-19 relief funds available to consumers, (ii) advertising that consumers can claim stimulus

funds at a designated stimulus temporary relief site, (iii) falsely claiming that the available funds are affiliated with a COVID-19 automotive stimulus program, and that Defendants have relief funds available for the purchase of a car; and (iv) including purported COVID-19 “stimulus checks.” All of the above acts were performed to lure consumers to purchase used cars at a tent sale in Bushnell, Florida.

2. Due to its unfair and deceptive nature the Attorney General seeks to halt this scam, and any similar future scam by the Defendants, and seeks all appropriate relief pursuant to the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (“FDUTPA”). Further, Defendants have made false representations that the Attorney General reviews its marketing materials, leaving the false impression that the Attorney General approves these unfair, deceptive and misleading advertising communications. Through this action, the Attorney General also seeks to prohibit Defendants from making such unfounded, false, and misleading representations.

### **JURISDICTION AND VENUE**

3. This is an action for injunctive relief, consumer restitution, civil penalties, attorney’s fees and costs, and other statutory and equitable relief against Defendants, brought pursuant to FDUTPA.

4. This Court has subject matter jurisdiction pursuant to the provisions of FDUTPA. The Attorney General seeks relief in an amount greater than Fifteen

Thousand Dollars (\$15,000), exclusive of fees and costs.

5. The statutory violations alleged in this Complaint occurred in, and/or affect, more than one judicial circuit, including Hillsborough County, Florida.

6. Venue is proper in the Thirteenth Judicial Circuit, as Defendants conduct business in Hillsborough County, Traffic Jam claims that its national sales office is located in Hillsborough County, and to the best of the Attorney General's knowledge, the acts and practices set forth herein originated, in part, from Hillsborough County, Florida.

7. The Attorney General has conducted an investigation into the matters alleged herein, and the head of the enforcing authority has determined that this enforcement action serves the public interest, as required by Section 501.207(2) of the Florida Statutes.

8. All conditions precedent to this action have been performed or have occurred within four (4) years of the filing of this action.

### **PARTIES**

9. The Attorney General is an enforcing authority of Chapter 501, Part II, Florida Statutes, and is authorized to bring this action seeking equitable, injunctive and other statutory relief, including restitution and civil penalties, pursuant to FDUTPA.

10. Traffic Jam is registered as a Louisiana limited liability company

with David Jeansonne, II listed as the managing member and registered agent,<sup>1</sup> having an address of 2232 Idaho Ave., Kenner, LA 70062.

11. Traffic Jam Events, LLC, is a fictitious name that was filed with the Florida Secretary of State on July 27, 2010 by Jeansonne as the owner; however, the fictitious name registration expired in 2015. Traffic Jam is not registered to do business with the Florida Secretary of State, but upon information and belief, Traffic Jam has its national sales office in Hillsborough County, Florida where it holds itself out to the public.

12. Various agents of Traffic Jam, including its Vice President of Sales, Sales Manager, and multiple territory managers reside and work in Florida, upon information and belief.

13. Jeansonne is an individual residing in Louisiana.

14. Upon information and belief, Jeansonne is the owner and president of Traffic Jam, and as president he participates in and manages, operates, and controls the operations of Traffic Jam.

15. Upon information and belief, Jeansonne is involved in making key and relevant decisions related to (i) the creation, messaging, production, printing, and mailing of direct-mail solicitations to Florida consumers, and (ii) logistics related to the tent sales promoted by the direct-mail solicitations at issue in this

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<sup>1</sup> Louisiana corporate records for Traffic Jam reflect a typo, listing the registered agent's name as David Jansonnc II.

action, including when and where the tent sales would take place.

16. Upon information and belief, during times material to this action Jeansonne has traveled to Florida to conduct Traffic Jam's business.

17. At all times material hereto, Defendants engaged in "trade or commerce" as defined in Section 501.203(8), Florida Statutes, by soliciting Florida consumers to purchase vehicles during tent sales promoted and staffed by Traffic Jam, and participating in the sale of cars to Florida consumers.

### **FACTS RELEVANT TO COMPLAINT**

18. Traffic Jam is a marketing company focused on the automotive industry. It offers direct-mail advertising campaigns, staffed events such as tent sales ("Tent Sales") during which vehicles are sold to consumers, and other services. Traffic Jam offers the above-referenced services to Floridians.

19. Defendants advertise Traffic Jam's services through its website, [trafficjamevents.com](http://trafficjamevents.com).

20. Defendants solicit Florida consumers to attend Tent Sales through mailers sent directly to Florida consumers. Defendants control the messaging and content of the mailers, the number of consumers who receive the mailer, the geographic market where consumers will receive the mailers, the printing of the mailers, and the actual transmission of the mailers to consumers.

21. Defendants control the location of Tent Sales and logistics related to Tent Sales. Defendants provide all staffing for Tent Sales and, upon information and belief, have authority to control the pricing of vehicles offered at Tent Sales. Defendants share in the profits derived from the Tent Sales with car dealerships that supply the inventory of vehicles.

22. The Attorney General received complaints from consumers alleging Defendants' misleading and deceptive advertising practices related to a direct mail piece offering COVID-19 stimulus<sup>2</sup> funds and a related Tent Sale.

23. More specifically, consumers received an oversized envelope by mail containing a document purporting to provide information about the COVID-19 stimulus program with an identifying "Notice No." (the "Notice"), and a "check" purporting to come from the "Stimulus Relief Program" (the envelope, Notice and check are collectively referred to herein as the "COVID-19 Stimulus Mailer").

24. On the outside of the envelope, appears the following language in bold-face type: **"IMPORTANT COVID-19 ECONOMIC STIMULUS DOCUMENT ENCLOSED"** and **"TIME-SENSITIVE FAST-TRACKED MAIL: OPEN IMMEDIATELY."**

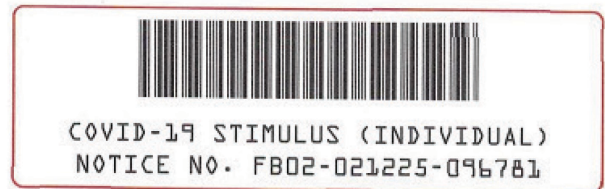
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<sup>2</sup> The Coronavirus Aid, Relief, and Economic Security Act (referred to as the CARES Act and also widely referred to as COVID-19 Stimulus) is the financial aid package enacted by the U.S. federal government in response to COVID-19 crisis, which provides a stimulus payments to battle the harmful effects of the COVID-19 pandemic.

25. At the top of the Notice, the COVID-19 Stimulus Mailer also states in bold: **“URGENT: COVID-19 ECONOMIC AUTOMOTIVE STIMULUS PROGRAM RELIEF FUNDS AVAILABLE · ALL PAYMENTS DEFERRED FOR 120 DAYS.”** The Notice also includes what appears to be a bar code and what appears to be a government seal in the background. See excerpt below:

**URGENT: COVID-19 ECONOMIC AUTOMOTIVE STIMULUS PROGRAM RELIEF FUNDS AVAILABLE · ALL PAYMENTS DEFERRED FOR 120 DAYS**

**Eligible Dates:  
March 27th thru  
April 5th, 2020**



DATE: 03/25/20  
NOTICE NO: FB02-021225-096781  
ACCOUNT TYPE: COVID-19 STIMULUS (INDIVIDUAL)  
DESCRIPTION: URGENT NOTICE - READ IMMEDIATELY

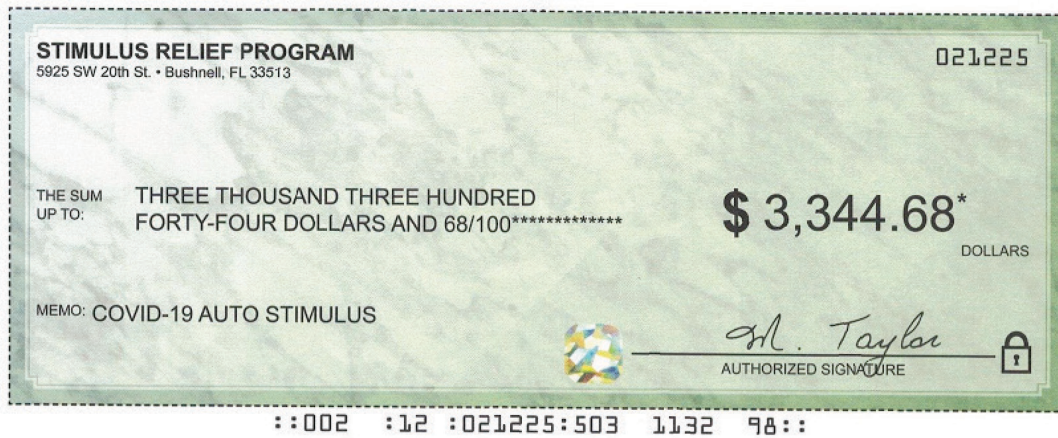
26. The Notice further references:

- **“A special COVID-19 Economic Automotive Stimulus Program relief funds and other incentives will be held at 5925 SW 20<sup>th</sup> St., Bushnell, FL 33513, across the street from Walmart, March 27<sup>th</sup> through April 5<sup>th</sup>, 2020.”;**
- **“Stimulus Temporary 10-day Relief Site: 5925 SW 20<sup>th</sup> St. Bushnell, FL 33513”; and**
- **“You must claim these stimulus incentives at your designated temporary 10-day site: 5925 SW 20<sup>th</sup> St., Bushnell, FL 33513.”**

27. The COVID-19 Stimulus Mailer also states, “This COVID-19 Economic Automotive Stimulus Program will include hundreds of quality, clean cars, trucks, vans and SUVs from participating dealerships in the area.”

28. Further, the Notice lists the following “mandatory qualifications to receive Stimulus Relief Funds:” 1) must be permanent US resident; 2) must have a valid driver license; and 3) annual income cannot exceed \$91,300.

29. The COVID-19 Stimulus Mailer also includes what appears to be a check issued by “Stimulus Relief Program” in the amount of \$3,344.68, and the memo field of the check states “COVID-19 AUTO STIMULUS.” See image below:



STIMULUS RELIEF PROGRAM			021225		
Date	Type	Reference	Original Amt.	Balance Due	Payment
03/25/20	Stimulus Fund	BUSHN-021225	3,344.68	0.00	3,344.68

30. Finally, the Notice also states that “Thousands in Relief Funds with this notice. Receive additional discounts on your vehicle purchase – check the enclosed documentation for your funds.”

31. The COVID-19 Stimulus Mailer gives the false net impression that it was sent by an official government agency and includes a stimulus check issued by the government to be used for the purchase of a vehicle.



32. Upon information and belief, Defendants sent the COVID-19 Stimulus Mailer to tens of thousands of Florida consumers.

33. Defendants created the COVID-19 Stimulus Mailer, identified the Florida consumers to whom the COVID-19 Stimulus Mailer would be sent, and paid for the COVID-19 Stimulus Mailer all in order to drive traffic to a Tent Sale in Bushnell, Florida.

34. Defendants communicated with a Florida resident company regarding the COVID-19 Stimulus Mailer and defended the content.

35. Upon information and belief, Defendants are not affiliated with, supported by, endorsed by, or in partnership with any US government agency for the purposes of COVID-19 Stimulus relief efforts.

36. Defendants intentionally made false and deceptive representations regarding the COVID-19 Stimulus in their COVID-19 Stimulus Mailer to mislead Florida consumers and attract them to attend an automotive Tent Sale taking place between March 27 through April 5, 2020, in Bushnell, Florida.

37. As recently as March 2020, Defendants emphasized to at least one car dealership that the COVID-19 Stimulus Mailer was legal and effective. Specifically, when a car dealership raised concerns about the content of the COVID-19 Stimulus Mailer, Jeansonne suggested that he and Traffic Jam were simply engaged in

effective marketing. In April 2020, Jeansonne stated that while people are somewhat “running from COVID-19”, everyone is running to “Stimulus Relief Funds”.

38. Given their stated business of offering and using promotions to attract consumers to Tent Sales, and Jeansonne’s recent statement that the COVID-19 Stimulus Mailer is legal and effective, Defendants are likely to continue to use the COVID-19 Stimulus Mailer or a similar COVID-19 stimulus promotion to mislead and confuse consumers throughout Florida if an injunction is not entered.

39. Additionally, in or about August 2019, Defendants provided false information to a Florida car dealership, claiming that Traffic Jam conducts “eight offsite events per month with a minimum 400k mail pieces a month,” and that “all of our mail is reviewed by the attorney general”. The car dealership understood this to mean that the Florida Attorney General reviewed and approved all mail created and produced by Traffic Jam to solicit attendance at Tent Sales. This false information was then provided to the Better Business Bureau (the “BBB”) by the car dealership in response to a consumer complaint that is unrelated to the COVID-19 Stimulus Mailer. The Attorney General does not approve any such campaigns or communications.

## **THE FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

40. Section 501.204(1), Florida Statutes states that “[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.”

41. Section 501.203(8), Florida Statutes, defines “[t]rade or commerce” as:

the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. “Trade or commerce” shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.

42. The provisions of FDUTPA shall be “construed liberally” to promote and “protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” Fla. Stat. § 501.202.

43. A person that willfully engages in a deceptive or unfair act or practice is liable for a civil penalty of Ten Thousand Dollars (\$10,000.00) for each such violation, pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000.00) for each violation victimizing a senior citizen, pursuant to Section 501.2077, Florida Statutes. Willful violations occur when the person knew

or should have known that the conduct in question was deceptive or unfair or prohibited by rule, pursuant to Section 501.2075, Florida Statutes.

**COUNT I**  
**Against Traffic Jam Events, LLC**  
**(Violation of Chapter 501, Part II, Florida Statutes)**

44. Plaintiff adopts, incorporates herein, and re-alleges paragraphs 1 through 43 as if fully set forth hereinafter and further alleges:

45. As set forth above, Defendants have engaged and continue to engage in deceptive, unconscionable and unfair practices by knowingly making false, deceptive, and misleading misrepresentations including (i) stating that they were mailing consumers important COVID-19 stimulus-related information; (ii) stating that consumers would have access to COVID-19 Stimulus funds for the purchase of a vehicle; (iii) stating that the Tent Sale conducted in Bushnell, Florida from March 27 through April 5, 2020 was a COVID-19 Stimulus “temporary 10-day relief site”; (iv) claiming that they or any car dealership with which they worked was working with and/or affiliated with the “COVID-19 Economic Automotive Stimulus Program”; (v) mailing consumers a document purporting to be a check issued by the “Stimulus Relief Program” and related to the “COVID-19 Auto Stimulus”; and (vi) using language and images to mislead consumers by suggesting a relationship between the government and Defendants and/or any car dealership with which they work.

46. Defendants created and controlled the content of the COVID-19 Stimulus Mailer and discussed the contents with a Florida-based car dealership after the mailer had been sent to consumers.

47. Additionally, Defendants falsely communicated that the Attorney General reviews its direct mail campaigns, which it does not.

48. Through the actions and related business practices set forth in this Complaint, Defendants are engaging in representations, acts, practices or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

49. The actions and related business practices of Defendants as set forth in this Complaint shock the conscience.

50. Through the actions and related business practices set forth in this Complaint, Defendants are committing acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

51. Through the actions and related business practices set forth in this Complaint, Defendants are engaging in acts or practices that are likely to cause substantial injury to consumers. This substantial injury is not reasonably avoidable by the consumers themselves and is not outweighed by countervailing benefits to consumers or competition.

52. Thus, Defendants are engaged in unfair or deceptive or unconscionable acts or practices in the conduct of any trade or commerce in violation of Section 501.204(1), Florida Statutes.

53. Traffic Jam should be subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation that victimized or attempted to victimize, a senior citizen pursuant to Section 501.2077, Florida Statutes.

54. Traffic Jam willfully engaged in and continues to engage in deceptive and unfair acts and practices in that Traffic Jam knew or should have known that the methods, acts or practices alleged herein were and are unfair, deceptive, unconscionable and prohibited by law.

55. These above-described acts and practices of Traffic Jam have caused substantial injury to the public, and will likely continue to cause injury and prejudice the public.

56. Unless Traffic Jam is temporarily and permanently enjoined from engaging further in the acts and practices complained of herein, Traffic Jam's actions will continue to result in irreparable injury to the public for which there is no adequate remedy at law.

**COUNT II**  
**Against David J. Jeansonne, II**  
**(Violation of Chapter 501, Part II, Florida Statutes)**

57. Plaintiff, adopts, incorporates and re-alleges paragraphs 1 through 52 as if fully set forth herein.

58. Under FDUTPA, once corporate liability is established, an individual defendant may be individually liable if he participated directly in the deceptive or unfair practices or acts, or he possessed the authority to control them.

59. Upon information and belief, during all times relevant to this action, Jeansonne has been the owner and president of Traffic Jam and has controlled the operations of Traffic Jam.

60. Therefore, Jeansonne either directly has controlled, had the authority to control or was aware of the unfair and deceptive acts referenced above. Because Jeansonne either directly controlled or has the authority to directly control and participate in the unfair and deceptive business practices of Traffic Jam, he can be held individually liable under FDUTPA.

61. Jeansonne approved of the content in the COVID-19 Stimulus Mailer and personally defended the use of the same to a Florida-based car dealership with which the Defendants shared a business relationship.

62. The actions and related business practices of Traffic Jam, and of Jeansonne as the president of Traffic Jam, as set forth in this Complaint shock the conscience.

63. Through the actions and related business practices set forth in this Complaint, Jeansonne is committing acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

64. Through the actions and related business practices set forth in this Complaint, Jeansonne is engaging in acts or practices that are likely to cause substantial injury to consumers. This substantial injury is not reasonably avoidable by the consumers themselves and is not outweighed by countervailing benefits to consumers or competition.

65. Thus, Jeansonne is engaged in unfair or deceptive or unconscionable acts or practices in the conduct of any trade or commerce in violation of Section 501.204(1), Florida Statutes.

66. Jeansonne should be subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation that victimized or attempted to victimize, a senior citizen pursuant to Section 501.2077, Florida Statutes.



67. Jeansonne willfully engaged in and continues to engage in deceptive and unfair acts and practices in that he knew or should have known that the methods, acts or practices alleged herein were and are unfair, deceptive, unconscionable and prohibited by law.

68. Unless Jeansonne is temporarily and permanently enjoined from engaging further in the acts and practices complained of herein, Jeansonne's actions will continue to result in irreparable injury to the public for which there is no adequate remedy at law.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Office of the Attorney General, State of Florida, Department of Legal Affairs, prays that the Court provide the following relief:

A. Permanently enjoin Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, who receive actual notice of the injunction, from engaging in the acts and practices in violation of provisions of FDUTPA as specifically alleged above and any similar acts and practices relating to the relaying of false or misleading statements to consumers related to the COVID-19 Stimulus;

B. Award such legal, equitable, or other relief as is just and appropriate pursuant to Section 501.207(3), Florida Statutes, including but not limited to restitution to customers and disgorgement of all ill-gotten gains;

C. Assess against Defendants civil penalties in the amount of Ten Thousand Dollars (\$10,000) for each violation accordance with Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation that victimized or attempted to victimize, a senior citizen in accordance with Section 501.277, Florida Statutes;

D. Award the Attorney General reasonable attorneys' fees and costs pursuant to the provisions of Section 501.2105, Florida Statutes, and as otherwise allowable by applicable statutes or law; and

E. Award such other and further relief as the Court deems just and proper, including all equitable relief allowed pursuant to Sections 501.207(3), Florida Statutes.

Dated this 23<sup>rd</sup> day of April 2020.

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL

/s/ Jennifer Hayes Pinder

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