

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



\_\_\_\_\_) )  
In the Matter of ) )  
 ) )  
DANIEL CHAPTER ONE, ) )  
a corporation, and ) ) DOCKET NO. 9329  
 ) )  
JAMES FEIJO, ) )  
Respondents. ) )  
\_\_\_\_\_) )

**ORDER MEMORIALIZING BENCH RULINGS ON JURISDICTION, RESPONDENTS' MOTION TO DISMISS, MOTIONS FOR SUMMARY DECISION, AND RESPONDENTS' MOTION FOR STAY PENDING INTERLOCUTORY APPEAL**

**I.**

Pursuant to the March 20, 2009 Order Setting Hearing on Jurisdiction and Revising Scheduling Order (March 20, 2009 Order), a hearing was held on April 21, 2009, for the limited purpose of determining whether Daniel Chapter One ("DCO") is a corporation within the meaning of 15 U.S.C. § 44 and applicable case law. Following the conclusion of that hearing, a ruling was issued from the bench that Complaint Counsel had demonstrated by a preponderance of the evidence that jurisdiction does exist in this case. (April 22, 2009 Hearing on Jurisdiction, Vol. 2, p. 3).

**II.**

On February 24, 2009, Respondents submitted a Motion to Dismiss For Lack of Jurisdiction and Violation of Respondents' Constitutional Rights and Memorandum in Support ("Motion to Dismiss"). Complaint Counsel submitted its Memorandum in Opposition to the Motion on March 6, 2009. On February 24, 2009, Respondents submitted a Motion for Summary Decision and Memorandum in Support. Complaint Counsel submitted its Opposition on March 10, 2009. On February 24, 2009, Complaint Counsel submitted a Motion for Summary Decision and Memorandum in Support. Respondents submitted their Opposition on March 10, 2009.

As described in the March 20, 2009 Order, these three motions and the oppositions thereto raised the issue of whether the FTC Act confers jurisdiction in this matter. By separate order dated March 20, 2009, these three motions were held in abeyance until the conclusion of the hearing on jurisdiction and order thereon.

Respondents' February 24, 2009 Motion to Dismiss was DENIED as stated on the record in open court. (April 22, 2009 Final Prehearing Conference, pp. 4-5).

Respondents' February 24, 2009 Motion for Summary Decision was DENIED as stated on the record in open court. (April 22, 2009 Final Prehearing Conference, pp. 5-6).

Complaint Counsel's February 24, 2009 Motion for Summary Decision was DENIED as stated on the record in open court. (April 22, 2009 Final Prehearing Conference, pp. 5-6).

### III.

On April 22, 2009, following the ruling on jurisdiction, Respondents orally moved under Commission Rule 3.23(b) for an interlocutory appeal, and requested a stay of the proceedings. (April 22, 2009 Hearing on Jurisdiction, Vol. 2, p. 5-6).

On the record in open court, Respondents were directed to file their motion for interlocutory appeal in writing and Respondents' request for a stay of the proceedings was DENIED. (April 22, 2009 Hearing on Jurisdiction, Vol. 2, p. 6).

ORDERED:

  
D. Michael Chappell  
Administrative Law Judge

Date: April 27, 2009