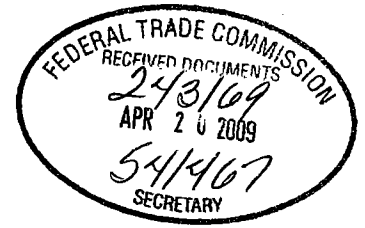


ORIGINAL

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



In the Matter of)
)
DANIEL CHAPTER ONE,)
a corporation, and)
)
JAMES FEIJO,)
Respondents.)
_____)

DOCKET NO. 9329

ORDER ON COMPLAINT COUNSEL’S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE RELATING TO DANIEL CHAPTER ONE’S FOR-PROFIT STATUS

I.

On March 16, 2009, Complaint Counsel submitted a Motion *In Limine* to Exclude Evidence Relating to Respondent Daniel Chapter One’s (“DCO”) For-Profit Status (“Motion”). Respondents submitted their Memorandum in Opposition to the Motion on March 26, 2009 (“Opposition”).

Upon consideration of the arguments raised in Complaint Counsel’s Motion and Respondents’ Opposition, Complaint Counsel’s Motion is DENIED WITHOUT PREJUDICE.

II.

Complaint Counsel asserts that, throughout the pendency of this proceeding, Respondents have persisted in claiming non-profit status to argue that the Federal Trade Commission does not have jurisdiction in this matter. Complaint Counsel further asserts that Respondents DCO and James Feijo have failed to respond to Complaint Counsel’s legitimate discovery requests related to DCO’s financial condition.

Complaint Counsel urges that because Respondents have failed to produce any meaningful evidence regarding their operation and financial condition, Respondents should be precluded from introducing at trial any evidence “regarding DCO’s for-profit status.” Motion at 1. Complaint Counsel argues that any such evidence is not relevant to whether Respondents violated the FTC Act. In addition, Complaint Counsel requests that the Court draw an adverse inference that the information Complaint Counsel sought in discovery would have defeated Respondents’ non-profit argument.

Respondents state that they intend to respond to the points raised in Complaint Counsel’s motion at the hearing on jurisdiction, set by Order dated March 20, 2009. Respondents further

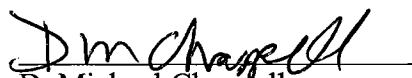
state that they have provided the financial documents that they have in their possession. Respondents contend: "It is a matter of religious principle of Respondents that if they need money they pray and they receive money."

III.

By Order dated March 20, 2009, the parties were directed that a hearing would be held on April 21, 2009, in order to properly, with due consideration, resolve whether DCO is a corporation within the meaning of 15 U.S.C. § 44 and applicable case law. The parties have been ordered to present evidence, including relevant documents and testimony, on this limited issue.

Complaint Counsel's Motion *in Limine* to Exclude Evidence Relating to Respondent Daniel Chapter One's ("DCO") For-Profit Status is DENIED WITHOUT PREJUDICE.

ORDERED:


D. Michael Chappell
Administrative Law Judge

Date: April 20, 2009