

ORIGINAL



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13 **IN THE UNITED STATES OF AMERICA**  
14 **BEFORE THE FEDERAL TRADE COMMISSION**  
15 **OFFICE OF ADMINISTRATIVE LAW JUDGES**

16 **In the Matter of** ) **Docket No.: 9329**  
17 **DANIEL CHAPTER ONE,** )  
18 **a corporation, and** )  
19 **JAMES FEIJO,** ) **PUBLIC DOCUMENT**  
20 **individually, and as an officer of** )  
21 **Daniel Chapter One** )  
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29 **RESPONDENTS' RESPONSES AND OBJECTIONS TO COMPLAINT COUNSEL'S**  
30 **REQUEST FOR ADMISSIONS**

31 Pursuant to this Court's Scheduling Order of October 28, 2008, and FTC Rules of  
32 Practice § 3.32, Respondents, through their counsel, submit the following responses and  
33 objections to Complaint Counsel's First set of Requests for Admission:

1 1. Objections. Requests violates Respondents' freedoms of speech, press, association and  
2 religion in that the request is based upon the administrative complaint's erroneous and  
3 unconstitutional characterization of the nature and operations of Daniel Chapter One as a  
4 commercial entity created by the laws of the State of Washington, whereas Daniel Chapter One  
5 is a religious entity, all the activities of which are dedicated to health care freedom through  
6 teaching, information and natural healing products and services. *See generally* Respondents'  
7 Objections II. A., B. C. and D., to Complaint Counsel's Motion to Compel Production of  
8 Documents # 's 22 and 23.  
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10  
11 2. Objections. See Response to Request # 1.

12 3. Objections. See Response to Request # 1.

13 4. Objections. See Response to Request # 1.

14 5. Objections. See Response to Request # 1.  
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16 6. Objections. Request violates the Respondents' freedoms of speech, press, association  
17 and religion in that the request in based upon the administrative complaint's erroneous and  
18 unconstitutional assumptions that: (a) commercial speech, *vel non*, is not protected by the First  
19 Amendment and (b) that Daniel Chapter One's communications in relationship to its products  
20 may be isolated from Daniel Chapter One's overall teaching and informational activities. *See*  
21 *generally* Respondents' Objections II. A., B, and C to Complaint Counsel's Motion to Compel  
22 Production of Documents #'s 22 and 23.  
23

24 7. Objections. See Response to Request # 6.

25 8. Objections. See Response to Request # 6.

26 9. Objections. See Response to Request # 6.  
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28 10. Objections. See Response to Request # 6.

- 1 11. Objections. See Response to Request # 6.
- 2 12. Objections. See Response to Request # 6.
- 3 13. Objections. Request violates Respondents' freedoms of speech, press, association and
- 4 religion in that the request is based upon the administrative complaint's erroneous and
- 5 unconstitutional predicate that health care claims, teachings and information must conform to a
- 6 government-enforced standard of truth, in violation of the constitutionally protected right of
- 7 individual belief and conscience. *See generally* Respondents' Objections to II. A., B., C, D and
- 8 E.
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- 11 14. Objections. See Response to Request # 6.
- 12 15. Objections. See Response to Request # 6. Additionally this request violates
- 13 Respondent's freedom of association and free exercise of religion in that it is based upon the
- 14 attribution to Respondents of a world view that is directly antithetical to their deeply held
- 15 religious beliefs about health care freedom and the exercise of that freedom by Respondents and
- 16 the members served by Daniel Chapter One. *See also* Respondents' Objections II. D and E.
- 17
- 18 16. Objections. See Response to Request # 15.
- 19 17. Objections. See Response to Request # 15.
- 20 18. Objections. See Response to Request # 15.
- 21 19. Objections. See Response to Request # 15.
- 22 20. Objections. See Response to Request #6.
- 23 21. Objections. See Response to Request # 6.
- 24 22. Objections. See Response to Request # 6.
- 25 23. Objections. See Response to Request # 6.
- 26 24. Objections. See Response to Request # 6.
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- 1 25. Objections. See Response to Request # 13.
- 2 26. Objections. See Response to Request # 13.
- 3 27. Objections. See Response to Request # 13.
- 4 28. Objections. See Response to Request # 13.
- 5 29. Objections. See Response to Request # 13.
- 6 30. Objections. See Response to Request # 13.
- 7 31. Objections. See Response to Request # 13.
- 8 32. Objections. See Response to Request # 13.
- 9 33. Objections. See Response to Request # 13.
- 10 34. Objections. See Response to Request # 13.
- 11 35. Objections. See Response to Request # 13.
- 12 36. Objections. See Response to Request # 13.
- 13 37. Objections. See Response to Request # 13.
- 14 38. Objections. See Response to Request # 13.
- 15 39. Objection. Neither admit nor deny. Asks for a legal conclusion.
- 16 40. Objection. Neither admit nor deny. Asks for legal conclusion.
- 17 41. Objection. Neither admit nor deny. Calls for a legal conclusion.
- 18 42. Objections. See Response to Request # 6.

19 REQUESTS RE AUTHENTICITY AND ADMISSIBILITY.

- 20 1. Acknowledged
- 21 2. Acknowledged.
- 22 3. Acknowledged
- 23 4. Acknowledged.

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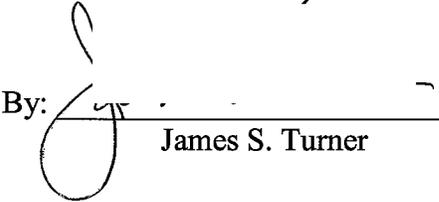
Dated this 29th day of December, 2008.

Respectfully submitted,

Michael McCormack  
Attorney for Respondents

Swankin & Turner  
Attorneys for Respondents

  
\_\_\_\_\_  
Michael McCormack

By:   
\_\_\_\_\_  
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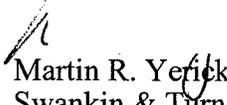
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16 **JAMES FEIJO,** )  
17 **individually, and as an officer of** )  
**Daniel Chapter One** )  
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21 **CERTIFICATE OF SERVICE**  
22

23 I certify that on December 29, 2008, I served or caused to be served the attached  
24 Responses and Objections to Complaint Counsel's Request for Admissions, on the following  
25 individuals by electronic mail followed by Federal Express:  
26

27 Theodore Zang, Jr., Esq.  
28 Carole A. Paynter, Esq.  
David W. Dulabon, Esq.

1 Federal Trade Commission – Northeast Region  
2 One Bowling Green, Suite 318  
3 New York, NY 10004

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6 Martin R. Yefick  
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2 Carole A. Paynter, Esq.  
3 David W. Dulabon, Esq.  
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6 New York, NY 10004

7 Courtesy Copies:

8 Hon. D. Michael Chappell  
9 Administrative Law Judge  
10 600 Pennsylvania Avenue, NW, Room H-528  
11 Washington, DC 20508

12 Dated this 30<sup>th</sup> day of December, 2008.

13   
14 Martin R. Yenick  
15 Swankin & Turner