

Respondents' Final Proposed Witness List
In the Matter of Daniel Chapter One
(Docket #9329)

Respondents expect to call the following witnesses:

A. With regard to the operation of the Daniel Chapter One Ministry including the collection and dissemination of information and the management of ministry programs:

1. James Feijo
P.O. Box 223
Portsmouth, R.I. 02871

We anticipate that Mr. Feijo, Overseer of Daniel Chapter One Ministry ("DCO"), will testify about the organization and management of the ministry, the health message the Ministry delivers, the relationship between the health message and supplement products DCO provides its followers and the background of DCO and its activities.

2. Patricia Feijo
P.O. Box 223
Portsmouth, R.I. 02871

We anticipate that Mrs. Feijo, trained in homeopathy, will testify about the nature of the DCO ministry, its basis on religious faith and on the efforts she went through to ensure that statements made about health and the supplements DCO provides its followers complied with legal rules as she understood them.

3. Jedidiah Harrison
14171 176th St.
McAlpin, FL 32062

We anticipate that Mr. Harrison, who manages some activities of DCO, will testify about aspects of the Daniel Chapter One Ministry, how it is organized, how it operates and how it affects him and his family

4. Jill Feijo
33 North Drive
Portsmouth, R.I. 02871

We anticipate that Ms. Feijo, who manages certain DCO tasks, will testify about the operation of DCO with which she is familiar.

5. Dean Mink, D.C.
Mink Chiropractic Center
409 Northside Dr.
Valdosta, GA. 31602-1895

We anticipate that Dr. Mink will testify to the quality, safety, and efficacy of DCO supplements. He will also testify on his role in making these supplements available to clients. He has made DCO supplements available in his Chiropractic Center for many years and has found it to be the best group of supplements he has experienced. He will also testify on his experience of the nature of James Feijo's activities as the Overseer of Daniel Chapter One.

6. Pastor Wayne Robertson
Morningside Baptist Church
Northside Drive at Bemiss Rd.
Valdosta, GA. 31604

We anticipate that Pastor Robertson will testify about the charitable program he has worked out with DCO and the positive impact that DCO has had on hundreds of lives of which he is aware, and that which DCO gives to the Ministry of Morningside Baptist Church. He will also testify on the role of James Feijo as Overseer of Daniel Chapter One.

7. David Bertrand
36 Mary Lane
Tiverton, R.I. 02878

We anticipate that Mr. Bertrand will testify that he has been part of the house church for many years, how the house church approach works and how he worked in the DCO ministry including recounting how DCO programs including its information and products have enhanced his life and health, and the life and health of others.

8. Richard Duffy
P.O. Box 1366
Jerusalem, Israel

We anticipate that Mr. Duffy will testify that the DCO 7 Herb Formula website was the idea and creation of him and his late wife Ruth, to be a source of information. Ruth designed the website as a ministerial offering, and did not receive payment from DCO for it.

We anticipate that Mr. Duffy will also testify that DCO helped support the home church in Israel, and that it paid for the Israeli Jr. Men's Fastpitch Softball Team to travel to Australia to compete in the World Championship the year they qualified and could not otherwise afford to go.

9. Tracy Kulikowski (website contribution quoted in the FTC Complaint).

200 E. Burgess Rd., #8 B
Pensicola, FL 32503

We anticipate that Ms. Kulikowski will testify that she created her DCO web entry because she wanted to share with other DCO followers her belief that DCO 7 Herb Formula, Bio*Mixx, GDU, and BioShark helped save her life from leukemia and tumors on the brain, liver, and behind her heart. We anticipate that she will also testify that she has remained cancer free for over ten years.

B. With regard to their belief about their experience with DCO products:

1. Ernie Jensen
5329 Mum Ct.
Las Vegas, NV 89031

We anticipate that Mr. Jensen will testify that he was diagnosed with incurable non-Hodgkin's lymphoma, and that after a bone marrow transplant failed, DCO products including 7 Herb Formula helped him. His doctor is amazed he survived.

2. Sherman C. "Red" Smith
P.O. Box 770
Cooper Landing, AK 99572

We anticipate that Mr. Smith will testify that DCO 7 Herb Formula has helped him combat prostate cancer. He has taken the product for many years, and has referred to it as "7 Herb Savior."

3. Robert Hicks
P.O. Box 1013
Jackson, AL 36545

We anticipate that Mr. Hicks will testify that his son Cole (age 3) drowned at age 2. After Cole miraculously survived, the prognosis was poor for rehabilitation. Mr. Hicks credits the many DCO products he gives his son to saving Cole's life and helping him to recover.

4. Glenda Shaw
1610 Reynolds Rd. Lot 261
Lakeland, FL 33801

We anticipate that Mrs. Shaw will testify to having had breast cysts. Now, after she used DCO 7 Herb Formula and GDU, the cysts are gone.

5. Laura Phair-Rudin
38 Ridgefield Rd.
Center Port, NY 11721

We anticipate that Mrs. Phair-Rudin will testify that her dog had glioblastoma and the

dog survived well beyond the prognosis from the vet after being given DCO 7 Herb Formula, BioShark, and GDU, that she attributes the extended survival of her dog to use of BioShark and GDU by her dog, and that she desires to share her belief that these products contributed to the significant shrinkage of the dog's brain tumor that is shown in the dog's veterinary medical records.

C. With regard to the FTC activities that identified Daniel Chapter One as the focus of FTC actions, Respondents seek to call the following FTC witnesses who do not appear on Complaint Counsel's witness list (A motion with regard to these witnesses will be submitted separately):

1. Richard Cleland
600 New Jersey Avenue, NW
Washington, DC 20580

We anticipate that Mr. Cleland to testify to the details of the process by which the FTC organized its case against Respondents.

2. Lynn J. Colbert
600 New Jersey Avenue, NW
Washington, DC 20580

We anticipate that Ms. Colbert will testify about the organization, conduct and review of the FTC cancer cure internet "surf" that provided the basis for the allegations made against Daniel Chapter One.

D. Daniel Chapter One Expert Witnesses:

1. James Duke, Ph. D.
8210 Murphy Road
Fulton, MD 20759

We anticipate that Dr. Duke will provide substantiation for health claims about natural products generally and the use of herbs as medicine in the Bible.

2. Sally LaMont, N.D.
Marin Natural Medicine Clinic
131 Camino Alto, Suite F
Mill Valley, CA 94941

We anticipate that Ms. LaMont will provide pre-claim substantiation for Respondents' challenged claims; substantiation for health claims about natural products generally; contradict FTC claims of the safety and effectiveness of conventional cancer treatments, including the inadequacy of the "scientific method" in evaluating the usefulness of nutritional supplements and natural healing.

3. Rustum Roy, Ph. D.
Evan Pugh Professor of the Solid State Emeritus
Professor of Science Technology and Society Emeritus
The Pennsylvania State University
102 MRL
University Park, PA. 16802

Visiting Professor of Medicine
University of Arizona
Distinguished Professor of Materials
Arizona State University

We anticipate that Dr. Rustum Roy will testify on the inappropriateness of relying on and the lack of scientific validity of randomly-controlled trials to evaluate whole person healing; the science of homeopathy; and the scientific validity of traditional testing of herbal medicines.

4. James Dews
Dews Research , LLC
P.O. Box 637
Mineral Wells, TX 76068

We anticipate that Mr. Dews will provide pre-claim substantiation of Respondents' challenged claims.

5. Jay Lehr Dr
6011 Houseman Rd.
Ostrander, OH 43061

We anticipate that Dr. Lehr will provide pre-claim substantiation of Respondents' challenged claims.

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

In the Matter of)	
)	
DANIEL CHAPTER ONE,)	
a corporation, and)	Docket No. 9329
)	
JAMES FEIJO,)	Public Document
individually, and as an officer of)	
Daniel Chapter One)	
)	
)	

[Proposed] ORDER GRANTING MOTION IN LIMINE

On March 16, 2009, Complaint Counsel filed a Motion in Limine to exclude the live testimony and written testimonials of consumers from any trial in this case.

IT IS HEREBY ORDERED that Complaint Counsel's Motion in Limine is GRANTED.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 16, 2009, I have filed and served the attached **COMPLAINT COUNSEL'S MOTION IN LIMINE AND MEMORANDUM IN SUPPORT TO PRECLUDE RESPONDENTS FROM INTRODUCING AT TRIAL EVIDENCE OF PURPORTED CONSUMER SATISFACTION AS A DEFENSE TO LIABILITY** and **EXHIBITS A-B** thereto and **[Proposed] ORDER GRANTING MOTION IN LIMINE** upon the following as set forth below:

The original and one paper copy via overnight delivery and one electronic copy via email to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room H-159
Washington, DC 20580
E-mail: secretary@ftc.gov

Two paper copies via overnight delivery to:

The Honorable D. Michael Chappell
Administrative Law Judge
600 Pennsylvania Ave., N.W., Room H-528
Washington, DC 20580

One electronic copy via email and one paper copy via overnight delivery to:

James S. Turner, Esq.
Betsy Lehrfeld, Esq.
Martin Yerick, Esq.
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One electronic copy via email to:

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Theodore Zang
Complaint Counsel