

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 Pamela Jones Harbour
 William E. Kovacic
 J. Thomas Rosch

In the Matter of)	
)	
)	
DANIEL CHAPTER ONE,)	
a corporation, and)	
)	DOCKET NO. 9329
JAMES FEIJO,)	
individually, and as an officer of)	
Daniel Chapter One)	
)	

ORDER DENYING MOTION TO RESCHEDULE ORAL ARGUMENT

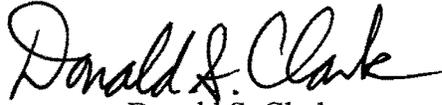
On October 13, 2009, the Commission issued a Notice scheduling the Oral Argument in this matter for Thursday, December 3, 2009, at 1 p.m. Complaint Counsel have now filed a Motion requesting that the Commission reschedule the Oral Argument to December 10, 2009 or a later date. Complaint Counsel advise in the Motion that Leonard L. Gordon, the Director of the Commission’s Northeast Regional Office, and Lead Complaint Counsel in this proceeding, will be out of the country for the ten days immediately preceding December 3, 2009. Complaint Counsel further advise that Respondents do not object to the Motion.

The Commission understands and is sympathetic to the timing concerns that Complaint Counsel cite in their Motion. However, the Motion does not indicate that Director Gordon’s absence from the United States will either prevent him from participating in the Oral Argument or prevent Complaint Counsel from adequately preparing for the Oral Argument. Moreover, Respondents’ Reply Brief must be filed by November 4, 2009 and, as a consequence of January 2009 revisions to the Commission Rules governing adjudicative proceedings, Commission Rule 3.52(b)(2) now provides that the Commission “will schedule oral argument within 15 days after the deadline for the filing of any reply briefs.” 16 C.F.R. § 3.52(b)(2). While the revised Rules technically do not apply to this proceeding – because the Administrative Complaint was issued

last year¹ – the Commission has nevertheless determined to adhere as closely as possible to the post-briefing appellate timetables prescribed by the revised Rules. The Commission’s determination to designate December 3rd as the date for the Oral Argument derives from that objective and related considerations. Accordingly,

IT IS ORDERED that Complaint Counsel’s Unopposed Motion To Reschedule Oral Argument be, and it hereby is, denied.

By the Commission.



Donald S. Clark
Secretary

ISSUED: October 16, 2009

¹ See generally Federal Trade Commission, *Interim Final Rules With Request for Comment*, 74 Fed. Reg. 1804 (January 13, 2009); see also Federal Trade Commission, *Final Rule*, 74 Fed. Reg. 20205 (May 1, 2009).