



Respondents' refusal to provide this information constitutes good cause and Complaint Counsel should be permitted to introduce evidence recently obtained from third parties as to

Respondents are engaged in for-profit enterprises.

I. Respondents' Refusals to Provide Financial Documents

A. Complaint Counsel's (First) Motion to Compel

Complaint Counsel filed a Motion to Compel Production of Documents on December 16,

On January 13, 2009, Complaint Counsel took the deposition of James Feijo and during the course of his deposition requested that Respondents produce the following responsive and relevant financial documents, which Counsel has provided to the Respondents:

Dulabon to James Turner dated January 21, 2009 (attached hereto as Ex. 1):

- Daniel Chapter One corporation sole bank account statements from Citizens Bank.
- Messiah Y'Shua Shalom corporation sole bank account statements from Citizens Bank.

American Express account (under Daniel Chapter One's name) etc.

Despite the Court's February 11 Order, Respondents have continued to defile their

discovery obligations and have only produced non-responsive, incomplete, and evasive answers to Complaint Counsel.

II. Respondents Still Have Not Complied With the Court's Orders and With Complaint Counsel's Reasonable Discovery Requests

Respondents clearly do not want to disclose their financial information in this matter, most likely because such information will show that they operate as a for-profit entity. Respondents cannot simply claim the contrary, and then produce no documents to support their position. This is the stance that Respondents have repeatedly taken in their motion papers, such as their Second Motion to Dismiss, which was filed after the close of discovery. Respondents make entirely self-serving statements but refuse to submit any documents allowing Complaint Counsel or this Court to test the veracity of their statements. Respondents' blatant disregard of this Court's multiple orders and repeated failure to provide discovery in support of their position should not be countenanced.

For example, Complaint Counsel's Second Set of Interrogatories to Respondents,

Further, Complaint Counsel's Second Request for Production of Documentary Materials and Tangible Things, Document Request No. 7, requested: "All documents relating to the

individual Respondent's expenses as requested in Interrogatory Number 3 in Complaint Counsel's First Set of Interrogatories." To date, the sole

from Daniel Chapter One to 'defray his expenses,' as described by Respondents in response to Interrogatory Number 3 in Complaint Counsel's First Set of Interrogatories." To date, the sole

answer Respondents have provided is the following: "D

correspondence, and other documents related to any American Express account of Daniel Chapter One or James Feijo. Responses to these subpoenas are due on April 7, 2009.

Complaint Counsel respectfully requests the Court's permission to add the documents obtained in response to these subpoenas to Complaint Counsel's final exhibit list, so that Complaint Counsel may introduce into evidence these documents at the Court's hearing on jurisdiction and at trial. Respondents will not be prejudiced by the addition of these documents onto Complaint Counsel's final exhibit list. These documents are – or should be – in the custody, possession, or control of Respondents, and should have been produced by Respondents.

IV. Conclusion

Respondents respectfully request that the Court enter the attached proposed order

permitting Complaint Counsel to modify Complaint Counsel's final exhibit list to include

EXHIBIT 1



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
NORTHEAST REGION

(212) 607-2829

Leonard L. Gordon
Regional Director

James S. Turner, Esquire
Swankin & Turner
1400 16th Street, NW, Suite 101
Washington, D.C. 20036

Counsel respectfully request that you identify and produce such supplemental substantiation by the close of business tomorrow. In our January 7, 2009 letter, we requested that you produce such supplemental substantiation by Friday, January 9, 2009 so that Complaint Counsel could have everything in time for the depositions held the week of January 12, 2009. We did not receive anything from Respondents' counsel. You now have had two weeks to produce this information. In light of the Court's Scheduling Order, this is a

[REDACTED]

- Citizens Bank. (*Id.*).
- American Express account (under Daniel Chapter One's name) statements. (*Id.* at 80, 157).
- Flier that states money paid for DCO products is a "..."

- Statements, if any, from Citizens Bank account in name of James Feijo (account may be closed). (*Id.* at 157, 192).
- Documents relating to the cost of Daniel Chapter One's ...

We also requested the following documents at the January 14, 2009 deposition of Patricia Feijo:

to produce this information as required by the Court is hindering and delaying the Court's

Your immediate attention to these matters is requested and expected. If Respondents continue to ignore Complaint Counsel's proper requests in discovery (specifically topics I and IV listed above), we will have no choice but to raise these issues with the Court. Please contact us if you have any questions.

Very truly yours,



David W. Dulahon

EXHIBIT 2



SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

1. TO

Citizens Bank
Attn: Maureen Powers
Subpoena Compliance
20 Cabot Road
Medford, MA 02155

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as

SCHEDULE A

Demand is made for the following documents created for any Citizens Bank account held
by or in trust for: 1) DANIEL CHARLES ONE "DCO" S. M...

[REDACTED]

RETURN OF SERVICE

*I hereby certify that a duplicate original of the within
subpoena was duly served: (State the manner of service.)*

in person.

by registered mail.

by leaving copy at principal office or place of business, to wit:

on this _____ day of _____, 20____

(Month, day, and year)

(Name of person making service)

(Official title)

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Name of person making service)

(Official title)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATION

In the Matter of)

DANIEL CHAPTER ONE,)
a corporation, and)

Docket No. 9329

JAMES FEIJO,)
individually, and as an officer of)
Daniel Chapter One)

Public Document

[Proposed] ORDER GRANTING MOTION TO MONITOR COMPANY

CERTIFICATE OF SERVICE

FREDDY GORDON, JR. v. THE STATE OF TEXAS

COMPLAINT COUNSEL'S MOTION AND MEMORANDUM TO INTRODUCE