

UNITED STATES OF AMERICA  
Federal Trade Commission

WASHINGTON Commission File No. 9408

Respondent Intuit Inc. ("Intuit") has filed a petition under Rule 4.17(b)(1) in this matter to seek to have me recused. Intuit cites three instances of what it believes to be statements by me that show prejudgment. After having reviewed closely its arguments and the relevant facts and law, I have determined that the petition lacks merit.

under Rule 4.17(b)(1) until August 2023, 17 months after I made the statements that it alleges show bias<sup>5</sup>.

Intuit's claim that these two comments evince prejudice has already been rejected by Chief Administrative Law Judge Chappell. Issuing an order denying Intuit's request for discovery related to the alleged prejudice, he wrote, "Factual statements that the FTC has brought a lawsuit alleging deception are akin to a factual press release describing pending adjudicatory proceedings and allegations, which . . . does not evince prejudice." Chappell noted that in *FTC v. Cinderella Career & Finishing Schools*, the D.C. Circuit held that the Commission's issuance of press releases that called attention to the pending proceedings and allegations did not constitute prejudice or violate respondent's right to due process of law.<sup>8</sup>



the thenChair, condemning false advertising in general and specifically citing as an example a representation that one can “bec