

ORIGINAL



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

In the Matter of )

DANIEL CHAPTER ONE, )  
a corporation, and )

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

Docket No. 9329

Public Document

**COMPLAINT COUNSEL’S MOTION AND MEMORANDUM TO MODIFY  
COMPLAINT COUNSEL’S FINAL EXHIBIT LIST AND TO INTRODUCE NEW  
EVIDENCE TO THE COURT ON RESPONDENTS’ FOR-PROFIT LEGAL STATUS**

Complaint Counsel respectfully move this Court pursuant to additional provision 15 of the Court’s Scheduling Order of October 28, 2008 for an order permitting Complaint Counsel to modify Complaint Counsel’s final exhibit list and to introduce new evidence from the Corporations Division of the State of Rhode Island Office of the Secretary of State (hereinafter, “Rhode Island Corporations Division”) regarding DCO’s prior for-profit legal status at the Court’s April 21, 2009 hearing on jurisdiction in this matter and at trial. This evidence is directly relevant to Respondents’ current financial status inasmuch as Respondents argue in their Pre-Hearing Memorandum on Jurisdiction that “Daniel Chapter One is a non profit religious organization” and that it operated as an “unincorporated religious association” beginning in 1983, Respondents’ Pre-Hearing Memorandum on Jurisdiction at 1, while the documents demonstrate that Respondent James Feijo organized DCO as a for-profit corporation prior to its present incarnation as a “corporation sole.”

Complaint Counsel respectfully request the Court's permission to add to Complaint Counsel's exhibit list two documents Complaint Counsel recently obtained from the Rhode Island Corporations Division (the documents are attached hereto as Ex. 1). These documents, requested and obtained on-line from the Rhode Island Corporations Division, are evidence of the prior for-profit legal status of corporations operated by Respondent James Feijo to carry on his alleged missionary work, Daniel Chapter One, Inc. (which was incorporated from 1990 - 1998), and World Sports Nutrition, Inc (which was incorporated from 1991 - 1998).<sup>1</sup> The documents indicate that both Daniel Chapter One, Inc. and World Sports Nutrition, Inc. were Rhode Island "Domestic Profit Corporations" and that James Feijo was President of both. The address given for both entities – 2749 East Main Road, Portsmouth, Rhode Island 02871 – is the same address Respondents continue to use.

These documents should have been produced by Respondents during discovery, but were not. Complaint Counsel's Second Request for Production of Documentary Materials and Tangible Things, Document Request No. 12, called for: "All documents relating to the statement in Respondents' response to Interrogatory Number 26 in Complaint Counsel's First Set of Interrogatories that "[r]eceipts of Daniel Chapter One are considered donations to a religious organization," including "any documents to or from any local, state, or federal . . . licensing agency."

Respondents will not be prejudiced by the addition of these documents onto Complaint Counsel's final exhibit list because these documents are – or should be – in the custody, possession, or control of Respondents, and should have been produced by Respondents. They

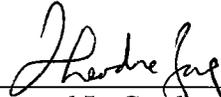
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<sup>1</sup>Complaint Counsel has requested official Certificates of Incorporation for Daniel Chapter One, Inc. and World Sports Nutrition, Inc. from the Rhode Island Corporations Division, but has been informed that their issuance may take several weeks.

set forth information Respondent James Feijo submitted to the State of Rhode Island. In addition, they are a matter of public record which would assist the Court in determining whether Respondents continue to operate on a for-profit basis.

For the foregoing reasons, Complaint Counsel respectfully request that the Court enter the attached proposed order permitting Complaint Counsel to modify Complaint Counsel's final exhibit list and to introduce these documents at the Court's April 21, 2009 hearing on jurisdiction, and at the trial in this matter.

Respectfully submitted,



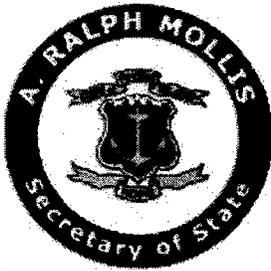
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Leonard L. Gordon (212) 607-2801  
Theodore Zang, Jr. (212) 607-2816  
Carole A. Paynter (212) 607-2813  
David W. Dulabon (212) 607-2814  
William Efron (212) 607-2827  
Elizabeth Nach (202) 326-2611

Federal Trade Commission  
Alexander Hamilton U.S. Custom House  
One Bowling Green, Suite 318  
New York, NY 10004

Dated: April 13, 2009

# EXHIBIT 1



**State of Rhode Island and Providence Plantations  
Office of the Secretary of State**

Corporations Division  
148 W. River Street  
Providence, Rhode Island 02904-2615  
Telephone: (401) 222-3040



Help with this form

**World Sports Nutrition, Inc. Summary Screen**

[Request a Certificate](#)

**The exact name of the Domestic Profit Corporation:** World Sports Nutrition, Inc.

**Entity Type:** Domestic Profit Corporation

**Identification Number:** 000065655

**Date of Incorporation in Rhode Island:** 08/28/1991

**Effective Date:** Aug 28 1991

**Date of Revocation Certificate:** 11/10/1998

**The location of its principal office:**

No. and Street: 2749 EAST MAIN ROAD

City or Town: PORTSMOUTH State: RI Zip: 02871 Country: USA

**The mailing address or specified office:**

No. and Street:

City or Town: State: Zip: Country:

**Agent Resigned:** N

**Address Maintained:** Y

**Name and address of the Registered Agent:**

No. and Street: 171 CHASE ROAD

P.O. BOX 8

City or Town: PORTSMOUTH State: RI Zip: 02871

Name: ERIC P. CHAPPELL, ESQ.

**The officers and all of the directors of the corporation:**

Title	Individual Name <small>First, Middle, Last, Suffix</small>	Address <small>Address, City or Town, State, Zip Code, Country</small>
PRESIDENT	JAMES FEIJO	2749 EAST MAIN ROAD PORTSMOUTH, RI 02871 USA

**The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:**

Class of Stock	Series of Stock	Par Value Per Share	Total Authorized Shares <i>Num of Shares</i>	Total Issued and Outstanding <i>Num of Shares</i>
STK		\$0.00	1,200.00	0.00

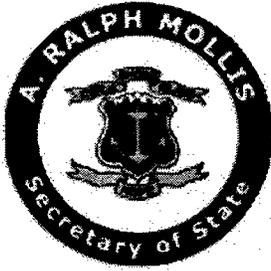
**Purpose**

7-1.1-51

**Select a type of filing from below to view this business entity filings:**

- ALL FILINGS
- Annual Report 
- Annual Report - Amended
- Application for Reservation of Entity Name
- Articles of Amendment 

[Click Here](#) to access 2006 and 2007 annual reports filed and imaged prior to July 25, 2007. Identification Number is Required



**State of Rhode Island and Providence Plantations  
Office of the Secretary of State**

Corporations Division  
148 W. River Street  
Providence, Rhode Island 02904-2615  
Telephone: (401) 222-3040



**DANIEL CHAPTER ONE, INC. Summary Screen**

Help with this form

[Request a Certificate](#)

The exact name of the Domestic Profit Corporation: DANIEL CHAPTER ONE, INC.

Entity Type: Domestic Profit Corporation

Identification Number: 000062118

Date of Incorporation in Rhode Island: 10/10/1990

Date of Revocation Certificate: 11/10/1998

**The location of its principal office:**

No. and Street: 2749 EAST MAIN ROAD  
City or Town: PORTSMOUTH State: RI Zip: 02871 Country: USA

**The mailing address or specified office:**

No. and Street:  
City or Town: State: Zip: Country:

Agent Resigned: N

Address Maintained: Y

**Name and address of the Registered Agent:**

No. and Street: 171 CHASE ROAD  
P.O. BOX 8  
City or Town: PORTSMOUTH State: RI Zip: 02871  
Name: ERIC P. CHAPPELL

**The officers and all of the directors of the corporation:**

Title	Individual Name First, Middle, Last, Suffix	Address Address, City or Town, State, Zip Code, Country
PRESIDENT	JAMES J FEIJO	2749 EAST MAIN RD PORTSMOUTH, RI 02871 USA

The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:

Class of Stock	Series of Stock	Par Value Per Share	Total Authorized Shares <i>Num of Shares</i>	Total Issued and Outstanding <i>Num of Shares</i>
CNP		\$0.00	1,200.00	0.00

**Purpose**

TITLE 7-1.1-51

**Select a type of filing from below to view this business entity filings:**

- ALL FILINGS
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Docket No. 9329

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\_\_\_\_\_)

Public Document

**DECLARATION OF THEODORE ZANG IN SUPPORT OF COMPLAINT COUNSEL'S  
MOTION AND MEMORANDUM TO MODIFY COMPLAINT COUNSEL'S FINAL  
EXHIBIT LIST AND TO INTRODUCE NEW EVIDENCE TO THE COURT ON  
RESPONDENTS' FOR-PROFIT LEGAL STATUS**

I, Theodore Zang, declare as follows:

1. I am a United States citizen over eighteen years of age. I am an Attorney with the Federal Trade Commission. My business address is Federal Trade Commission, Northeast Region, 1 Bowling Green, Suite 318, New York, New York 10004.

2. From April 9 - 11, 2009, Complaint Counsel and Counsel for Respondents conferred by e-mail to inquire if Respondents would consent to the attached motion to modify Complaint Counsel's final exhibit list and to introduce newly obtained evidence to the Court on the issue of Respondents' for-profit legal status. James S. Turner, one of the attorneys of record for Respondents, indicated that he could not so consent to this motion.

I declare under penalty of perjury that the above statement is true and correct.

Dated this 13<sup>th</sup> day of April, 2009.

  
\_\_\_\_\_  
Theodore Zang

**UNITED STATES OF AMERICA  
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**[Proposed] ORDER GRANTING MOTION TO MODIFY COMPLAINT COUNSEL'S  
FINAL EXHIBIT LIST AND TO INTRODUCE NEW EVIDENCE TO THE COURT ON  
RESPONDENTS' FOR-PROFIT LEGAL STATUS**

On April 13, 2009, Complaint Counsel filed a motion to modify Complaint Counsel's final exhibit list and to introduce newly obtained evidence on the issue of Respondents' for-profit legal status to the Court at the April 21, 2009 hearing on jurisdiction in this matter and at trial.

IT IS HEREBY ORDERED that the motion is GRANTED.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Dated:

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on April 13, 2009, I have filed and served the attached **COMPLAINT COUNSEL'S MOTION AND MEMORANDUM TO MODIFY COMPLAINT COUNSEL'S FINAL EXHIBIT LIST AND TO INTRODUCE NEW EVIDENCE TO THE COURT ON RESPONDENTS' FOR-PROFIT LEGAL STATUS**, Exhibit 1 thereto, Declaration of Theodore Zang in Support of Complaint Counsel's Motion, and [Proposed] Order Granting Complaint Counsel's Motion, 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](mailto:secretary@ftc.gov)

Two paper copies via overnight delivery to:

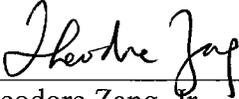
The Honorable D. Michael Chappell  
Administrative Law Judge  
600 Pennsylvania Ave., N.W., Room H-528  
Washington, DC 20580

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

James S. Turner, Esq.  
Betsy Lehrfeld, Esq.  
Martin Yerrick, Esq.  
Swankin & Turner  
1400 16<sup>th</sup> St., N.W., Suite 101  
Washington, D.C. 20036  
[jim@swankin-turner.com](mailto:jim@swankin-turner.com)

One electronic copy via email to:

Michael McCormack, Esq.  
[M.mccormack@mac.com](mailto:M.mccormack@mac.com)

  
\_\_\_\_\_  
Theodore Zang, Jr.  
Complaint Counsel