

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

UNITED STATES OF AMERICA,	)	Civil No. <u>1:10CV01362 EGS</u>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
DANIEL CHAPTER ONE,	)	
	)	
and	)	
	)	
JAMES FEIJO,	)	
	)	
Defendants.	)	

---

**MOTION TO LIFT STAY**

Now comes the United States of America, and moves for the stay to be lifted. On September 14, 2010, the Court ordered that this case be “**STAYED** pending resolution of defendants’ pending appeal before the United States Court of Appeals for the District of Columbia Circuit (Case No. 10-1064).” Defendants appeal was denied by the Court of Appeals on December 10, 2010.<sup>1</sup> Defendants filed a Petition for rehearing *en banc*, which was denied on February 16, 2011, and the Court of Appeals issued a Mandate to the Federal Trade Commission on February 28, 2011.<sup>2</sup> As the appellate proceedings have been resolved, the United States asks that the stay be lifted.

---

<sup>1</sup> The Judgment and accompanying memorandum issued by the Court of Appeals is attached as Exhibit A.

<sup>2</sup> The Mandate issued by the Court of Appeals is attached as Exhibit B.

Respectfully submitted,

Of Counsel:

WILLARD TOM  
General Counsel

JAMES A. KOHM  
Associate Director for Enforcement

LAURA DEMARTINO  
Assistant Director for Enforcement

KRISTIN M. WILLIAMS  
Attorney, Division of Enforcement

Federal Trade Commission

FOR THE UNITED STATES OF AMERICA

TONY WEST  
Assistant Attorney General  
Civil Division  
U.S. Department of Justice

EUGENE M. THIROLF  
Director, Office of Consumer Litigation

KENNETH L. JOST  
Deputy Director, Office of Consumer Litigation

s/ JESSICA R. GUNDER  
JESSICA R. GUNDER  
Trial Attorney  
Office of Consumer Litigation  
U.S. Department of Justice

**CERTIFICATE OF SERVICE**

I certify that on March 7, 2011, I caused a true and correct copy of the above-entitled **MOTION TO LIFT STAY**, to be served via the Court's Electronic Case Filing system and by electronic mail to counsel for the defendants as follows:

Robert M. Sanger  
125 East De La Guerra Street  
Suite 102  
Santa Barbara, CA 93101  
Telephone: (805) 962-4887  
Fax: (805) 963-7311  
E-mail: [lawyers@sangerswysen.com](mailto:lawyers@sangerswysen.com)

*counsel for defendants*

s/ JESSICA R. GUNDER  
JESSICA R. GUNDER