

ORIGINAL

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of )  
)  
)  
Polypore International, Inc. )  
a corporation )  
)

Docket No. 9327

PUBLIC DOCUMENT



**RESPONDENT'S MOTION TO COMPEL ENTEK INTERNATIONAL LLC TO  
PRODUCE DOCUMENTS REQUESTED BY SUBPOENA DUCES TECUM**

Respondent Polypore International, Inc. ("Polypore") respectfully submits this Motion to Compel ENTEK International LLC ("ENTEK") to Produce Documents Requested by Subpoena *Duces Tecum*, as amended by agreement between Polypore and ENTEK, in accordance with Commission Rule § 3.38(a)(2). This Motion is based on the grounds set forth in Polypore's memorandum in support of its Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena *Duces Tecum*.

Respondent seeks the immediate production of documents and electronic data responsive to its subpoena *duces tecum*, as amended by agreement between Polypore and ENTEK. Counsel for Respondent has conferred with counsel for ENTEK in a good faith effort to reach a resolution on ENTEK's compliance with Respondent's subpoena *duces tecum*. Respondent and ENTEK have been unable to resolve the dispute and Respondent therefore respectfully petitions this Court for an Order requiring immediate compliance.

Dated: January 12, 2009

Respectfully Submitted,



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**PROPOSED ORDER**

Upon consideration of Respondent's Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena *Duces Tecum*, any opposition thereto, and the Court being fully informed,

IT IS HEREBY ORDERED, that Respondent's Motion is GRANTED.

IT IS FURTHER ORDERED, that ENTEK shall immediately take all necessary steps toward producing to Respondent all subpoenaed documents responsive to Respondent's subpoena *duces tecum* as soon as possible. Such production shall be completed within one (1) week from the date of issuance of this Order.

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

Date: \_\_\_\_\_

## CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing *Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order*, and that the electronic copy is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with:

Donald S. Clark, Secretary  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Rm. H-135  
Washington, DC 20580  
[secretary@ftc.gov](mailto:secretary@ftc.gov)

I hereby certify that on January 12, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing *Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order* upon:

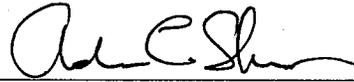
The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[oalj@ftc.gov](mailto:oalj@ftc.gov)

I hereby certify that on January 12, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena Duces Tecum and Proposed Order* upon:

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**STATEMENT PURSUANT TO 16 C.F.R. § 3.22(f)**

I, Eric D. Welsh, Esq., on behalf of Parker Poe Adams & Bernstein LLP (“Parker Poe”) as counsel for Polypore International, Inc. (“Polypore”), hereby represent that Parker Poe has conferred with counsel for ENTEK International LLC (“ENTEK”) in an effort in good faith to resolve by agreement the issues raised by Respondent’s Motion to Compel ENTEK International LLC to Produce Documents Requested by Subpoena *Duces Tecum*, and have been unable to reach such an agreement.

Parker Poe and counsel for ENTEK discussed these issues in correspondence on November 24, 2008, November 25, 2008, December 5, 2008, December 9, 2008, December 10, 2008, December 12, 2008, and January 7, 2009. Additionally, Parker Poe met with counsel for ENTEK by conference call, including on November 14, 18, 24, 2008, December 5, 2008, and January 6, 2009, to further discuss these issues. During these calls, I was present for Parker Poe and Darius Ogloza, Esq., Hanno Kaiser, Esq. and/or Brett Collins, Esq. were present for ENTEK. During the telephone call on January 6, 2009, ENTEK’s counsel was unable to commit to when ENTEK’s production would be complete and would not commit that it would be complete by January 13, 2009.

As a result of these discussions it was concluded that Polypore and ENTEK were at an impasse with respect to the issues raised in Polypore’s Motion.

Dated: January 12, 2009

Respectfully Submitted,



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