

ORIGINAL



UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

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

Docket No. 9327

PUBLIC DOCUMENT

**RESPONDENT'S MOTION FOR THE ISSUANCE OF SUBPOENAS AD TESTIFICANDUM**

Pursuant to Rule 3.34(a)(2) Rules of Practice for Adjudicative Proceedings before the United States Federal Trade Commission, Respondent Polypore International, Inc. ("Polypore") respectfully moves for an Order authorizing the issuance of ten subpoenas *ad testificandum* to be issued to: Terry Agrelius, Art Balcerzak, Robert Cullen, Jim Douglas, Bob Flicker, Dale Leister, Tim Moyer, Frank Nasisi, Kevin Porter, and Chris Sedor. Each of these individuals are located in the United States.

The anticipated testimony of each of these individuals is reasonably relevant to Respondent's defense of this matter and, thus satisfies the conditions under Rule 3.34(a)(2) for the issuance of a subpoena *ad testificandum* to give testimony at an adjudicative hearing. A brief description of each individual's position and relevance to Respondent's case, as set forth in the Final Witness List, is as follows:

Terry	Agrelius	US Battery, President. May testify on direct and/or in rebuttal testimony regarding the business operations of US Battery, the battery industry and market, suppliers to the battery industry, US Battery's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses.
Arthur	Balcerzak	Crown Battery Manufacturing Co. May testify on direct and/or in rebuttal testimony concerning the business

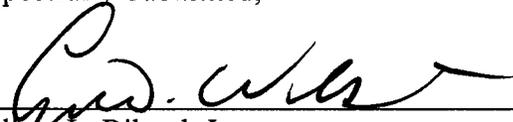
		operations of Crown Battery, the battery industry and market, suppliers to Crown Battery, Crown's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses. He will testify either live or by deposition.
Robert	Cullen	Hollingsworth & Vose, VP of Sales and Marketing. May testify on direct and/or in rebuttal testimony concerning the business operations of H&V, the battery industry and market, suppliers to the battery industry, H&V's relationship with Daramic and other topics and issues relevant to the complaint and Respondent's response and defenses. He may testify either live or by deposition.
Jim	Douglas	Douglas Battery. May testify on direct and/or in rebuttal testimony concerning the business operations of Douglas, the battery industry and market, suppliers to the battery industry, Douglas' relationship with Daramic and contact with Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses.
Bob	Flicker	East Penn Manufacturing Co., Inc. May testify on direct and/or in rebuttal testimony concerning the business operations of East Penn, the battery industry and market, suppliers to the battery industry, East Penn's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses.
Dale	Leister	East Penn Manufacturing Co., Inc. Director of Procurement Strategy and Supplier Development. May testify on direct and/or in rebuttal testimony concerning the business operations of East Penn, the battery industry and market, suppliers to the battery industry, East Penn's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses. He may testify either live or by deposition.
Timothy	Moyer	East Penn Manufacturing Co., Inc., Manager of Automotive Product Engineering. May testify on direct and/or in rebuttal testimony concerning the business operations of East Penn, the battery industry and market, suppliers to the battery industry, East Penn's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses. He may testify either live or by deposition.
Frank	Nasisi	May testify on direct and/or in rebuttal testimony regarding the business operations of Daramic; the battery separator industry and market; the competitive environment; the acquisition and subsequent integration of Microporous; the efficiencies and benefits achieved as a result of the merger; and other topics and issues relevant to the complaint and Respondent's response and defenses. He may testify either

		live or by deposition.
Kevin	Porter	Hollingsworth & Vose, Director of Glass Technology. May testify on direct and/or in rebuttal testimony concerning the business operations of H&V, the battery industry and market, suppliers to the battery industry, H&V's relationship with Daramic and Microporous and other topics and issues relevant to the complaint and Respondent's response and defenses. He may testify either live or by deposition.
Chris	Sedor	C&D Technologies, Inc. May testify on direct and/or in rebuttal testimony concerning the business operations of C&D; the battery industry and market; suppliers to the battery industry; C&D's relationship with Daramic and Microporous; and other topics and issues relevant to the complaint and Respondent's response and defenses.

Respondent reserves the right to subpoena additional witnesses for trial.

Dated: April 30, 2009

Respectfully Submitted,



---

William L. Rikard, Jr.

Eric D. Welsh

PARKER POE ADAMS & BERNSTEIN, LLP

Three Wachovia Center

401 South Tryon Street, Suite 3000

Charlotte, NC 28202

Telephone: (704) 372-9000

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[williamrikard@parkerpoe.com](mailto:williamrikard@parkerpoe.com)

[ericwelsh@parkerpoe.com](mailto:ericwelsh@parkerpoe.com)

John F. Graybeal

PARKER POE ADAMS & BERNSTEIN, LLP

150 Fayetteville Street

Raleigh, NC 27602

Telephone: (919) 835-4599

Facsimile: (919) 828-0564

[johngraybeal@parkerpoe.com](mailto:johngraybeal@parkerpoe.com)

*Attorneys for Respondent*

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**In the Matter of** )

**Docket No. 9327**

**Polypore International, Inc.** )  
**a corporation** )

**PUBLIC DOCUMENT**

**PROPOSED ORDER GRANTING RESPONDENT'S MOTION  
FOR THE ISSUANCE OF SUBPOENAS AD TESTIFICANDUM**

IT IS ORDERED THAT, upon due consideration, Respondent Polypore International, Inc.'s Motion for the Issuance of Subpoenas *ad testificandum* is hereby GRANTED.

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

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

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing *Respondent's Motion for Subpoenas ad testificandum*, 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 April 30, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing *Respondent's Motion for Subpoenas ad testificandum* 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 April 30, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing *Respondent's Motion for Subpoenas ad testificandum* upon:

J. Robert Robertson, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[rrobertson@ftc.gov](mailto:rrobertson@ftc.gov)

Steven Dahm, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[sdahm@ftc.gov](mailto:sdahm@ftc.gov)



---

Brian Weyhrich  
Parker Poe Adams & Bernstein LLP  
Three Wachovia Center  
401 South Tryon Street, Suite 3000  
Charlotte, NC 28202  
Telephone: (704) 335-6639  
Facsimile: (704) 334-4491



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO

Terry Agrelius  
U.S. Battery Manufacturing Co.  
1895 Tobacco Road  
Augusta, GA 30906

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVE., NW  
HEARING ROOM 532  
WASHINGTON, DC 20580

3. DATE AND TIME OF HEARING

MAY 12, 2009 @ 10:00 A.M.

4. SUBJECT OF PROCEEDINGS

POLYPORE INTERNATIONAL, INC., DOCKET NO. 9327

5. RECORDS YOU MUST BRING WITH YOU

NONE

6. ADMINISTRATIVE LAW JUDGE

D. MICHAEL CHAPPELL

7. COUNSEL REQUESTING SUBPOENA

William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

**GENERAL INSTRUCTIONS**

**APPEARANCE**

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

**MOTION TO LIMIT OR QUASH**

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the motion must be filed with the Secretary of the Federal Trade Commission. Send one copy to the Requesting Counsel named in Item 7 and to all other parties prescribed in the Rules of Practice.

**TRAVEL EXPENSES**

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 7 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 7.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

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*in person.*

*by registered mail.*

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

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*on the person named herein on:*

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(Month, day, and year)

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO

Art Balcerzak  
678 Forker Boulevard  
Sharon, PA 16146

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

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William L. Rikard (704) 335-9011

Eric D. Welsh (704) 335-9052

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(Month, day, and year)

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO

Robert Cullen  
Hollingsworth & Vose Company  
112 Washington Street  
East Walpole, MA 02032

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVE., NW  
HEARING ROOM 532  
WASHINGTON, DC 20580

3. DATE AND TIME OF HEARING

MAY 12, 2009 @ 10:00 A.M.

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POLYPORE INTERNATIONAL, INC., DOCKET NO. 9327

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NONE

6. ADMINISTRATIVE LAW JUDGE

D. MICHAEL CHAPPELL

7. COUNSEL REQUESTING SUBPOENA

William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

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(Month, day, and year)

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO

Jim Douglas  
Douglas Battery Manufacturing Co.  
500 Battery Drive  
Winston Salem, NC 27107

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVE., NW  
HEARING ROOM 532  
WASHINGTON, DC 20580

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William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

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(Month, day, and year)

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO

Bob Flicker  
East Penn Manufacturing Co., Inc.  
Deka Road  
Lyon Station, PA 19536

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

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HEARING ROOM 532  
WASHINGTON, DC 20580

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D. MICHAEL CHAPPELL

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William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

DATE ISSUED

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission  
**SUBPOENA**

1. TO  
Dale Leister  
East Pann Manufacturing Co, Inc.  
Deka Road  
Lyon Station, PA 19536

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

<p>2. LOCATION OF HEARING</p> <p>FEDERAL TRADE COMMISSION 600 PENNSYLVANIA AVE., NW HEARING ROOM 532 WASHINGTON, DC 20580</p>	<p>3. DATE AND TIME OF HEARING</p> <p>MAY 12, 2009 @ 10:00 A.M.</p>
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4. SUBJECT OF PROCEEDINGS

POLYPORE INTERNATIONAL, INC., DOCKET NO. 9327

5. RECORDS YOU MUST BRING WITH YOU

NONE

<p>6. ADMINISTRATIVE LAW JUDGE</p> <p>D. MICHAEL CHAPPELL</p>	<p>7. COUNSEL REQUESTING SUBPOENA</p> <p>William L. Rikard (704) 335-9011 Eric D. Welsh (704) 335-9052 Respondent Counsel</p>
---	---

<p>DATE ISSUED</p>	<p>ADMINISTRATIVE LAW JUDGE'S SIGNATURE</p>
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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission

**SUBPOENA**

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Tim Moyer  
East Penn Manufacturing Co., Inc.  
Deka Road  
Lyon Station, PA 19536

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7. COUNSEL REQUESTING SUBPOENA

William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

DATE ISSUED

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(Month, day, and year)

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(Name of person making service)

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(Official title)



United States of America  
Federal Trade Commission

**SUBPOENA**

1. TO

Frank Nasisi  
65 E India Row 27F  
Boston, MA 02110

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

2. LOCATION OF HEARING

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William L. Rikard (704) 335-9011  
Eric D. Welsh (704) 335-9052  
Respondent Counsel

DATE ISSUED

ADMINISTRATIVE LAW JUDGE'S SIGNATURE

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United States of America  
Federal Trade Commission

**SUBPOENA**

1. TO

Kevin Porter  
Hollingsworth & Vose Company  
112 Washington Street  
East Warpole, MA 02032

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**MOTION TO LIMIT OR QUASH**

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the motion must be filed with the Secretary of the Federal Trade Commission. Send one copy to the Requesting Counsel named in Item 7 and to all other parties prescribed in the Rules of Practice.

**TRAVEL EXPENSES**

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 7 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 7.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**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:*

-----  
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-----  
-----

*on the person named herein on:*

-----  
(Month, day, and year)

-----  
(Name of person making service)

-----  
(Official title)



United States of America  
Federal Trade Commission

**SUBPOENA**

1. TO Chris Sedor  
C & D Technologies, Inc.  
1400 Union Meeting Road  
Blue Bell, PA 19422

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

<p>2. LOCATION OF HEARING</p> <p>FEDERAL TRADE COMMISSION 600 PENNSYLVANIA AVE., NW HEARING ROOM 532 WASHINGTON, DC 20580</p>	<p>3. DATE AND TIME OF HEARING</p> <p>MAY 12, 2009 @ 10:00 A.M.</p>
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4. SUBJECT OF PROCEEDINGS

POLYPORE INTERNATIONAL, INC., DOCKET NO. 9327

5. RECORDS YOU MUST BRING WITH YOU

NONE

<p>6. ADMINISTRATIVE LAW JUDGE</p> <p>D. MICHAEL CHAPPELL</p>	<p>7. COUNSEL REQUESTING SUBPOENA</p> <p>William L. Rikard (704) 335-9011 Eric D. Welsh (704) 335-9052 Respondent Counsel</p>
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<p>DATE ISSUED</p>	<p>ADMINISTRATIVE LAW JUDGE'S SIGNATURE</p>
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**GENERAL INSTRUCTIONS**

**APPEARANCE**

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