



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)	Docket No. 9327
)	
)	
)	
Polypore International, Inc. a corporation)	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 two subpoenas *ad testificandum* to be issued to: Dan Weerts and Eric Heglie. Each of these individuals are located in the United States.

Mr. Weerts and Mr. Heglie were identified as potential trial witnesses on both Complaint Counsel's Final Witness List and Respondent's Final Proposed Witness List. In conversations on or about April 22, 2009, Complaint Counsel indicated to Respondent's Counsel that it would call, as live witnesses, all of the witnesses identified on its Final Witness List. See e-mail from Pamela S. Anderson on behalf of William L. Rikard, Jr., dated April 22, 2009, attached hereto as Exhibit A. As a result of Respondent's Counsel's discussions with Complaint Counsel and in reliance thereon, Respondent trimmed its Final Proposed Witness List which resulted in the removal of Mr. Weerts and Mr. Heglie. Respondent's Counsel also requested that Complaint Counsel immediately notify Respondent's Counsel should Complaint Counsel amend or alter its Final Witness List. Id. Consequently, Mr. Weerts and Mr. Heglie were not included in Respondent's May 1, 2009 Motion for Subpoenas *Ad Testificandum*. On May 8, 2009,

Complaint Counsel informed Respondent's Counsel, for the first time, that it was removing several witnesses from its Final Witness List, including Mr. Weerts and Mr. Heglie. As discussed below, Mr. Weerts and Mr. Heglie possess relevant, material information are important witnesses in Respondent's defense of this matter.

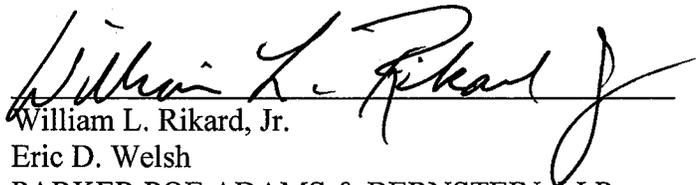
The anticipated testimony of each of these individuals is reasonably relevant to Respondent's defense of this matter and, thus satisfies the conditions under Rule 3.34(a)(2) for the issuance of a subpoena *ad testificandum* to give testimony at an adjudicative hearing. A brief description of each individual's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

Eric	Heglie	Industrial Growth Partners, Principal. May testify on direct and/or in rebuttal testimony regarding the sale of Microporous; the business operations of Microporous; the business/expansion plans for Microporous leading up to the sale; and other topics and issues relevant to the complaint and Respondent's response and defenses.
Dan	Weerts	Entek International, LLC, VP of Sales and Marketing. May testify on direct and/or in rebuttal testimony concerning the business operations of Entek; the battery separator industry and market; suppliers to the battery separator industry; the competitive environment; Entek's relationship with battery manufacturers; Entek'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. Respondent has conferred with Complaint Counsel who have indicated that they do not oppose the instant motion.

Dated: May 11, 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

Facsimile: (704) 335-9689

williamrikard@parkerpoe.com

ericwelsh@parkerpoe.com

John F. Graybeal

PARKER POE ADAMS & BERNSTEIN, LLP

150 Fayetteville Street

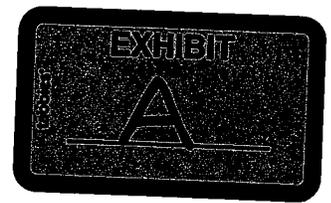
Raleigh, NC 27602

Telephone: (919) 835-4599

Facsimile: (919) 828-0564

johngraybeal@parkerpoe.com

Attorneys for Respondent



From: Anderson, Pamela S. **On Behalf Of** Rikard, Jr., William L.
Sent: Wednesday, April 22, 2009 5:08 PM
To: 'rrobertson@ftc.gov'
Cc: Welsh, Eric D.
Subject: In the Matter of Polypore International, Inc., Docket No. 9327

Robby,

Below is our witness list that we pared down based on our discussions that Complaint Counsel will be calling all of the witnesses on your list as live witnesses (from a recent email I assume Kung will be by deposition). In making these reductions, we have relied on those discussions, so if there is any change, please let me know immediately. Several of our witnesses are Polypore employees that you have said you will call as part of Complaint Counsel's core. We will put in their testimony then, which will further reduce the witnesses we call in Respondent's case. This should enable us to discuss further ways to streamline the case.

Lynn Amos
Terry Agrelius
Art Balcerzak
Bob Cullen
Guy Duawe
Jim Douglas
Bob Flicker
Peter Gaugl
Michael Graff
Henry Kahwaty
Dale Leister
Steve McDonald
Tim Moyer
Frank Nasisi
Tom Pfanner
Kevin Porter
Tim Riney
Chris Sedor
Harry Seibert
Mark Stevenson
Christophe Thuett
Larry Trevathan
Kevin Whear

William

William L. Rikard, Jr., Partner
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 335-9011
Facsimile: (704) 335-9689
williamrikard@parkerpoe.com

**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 11, 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

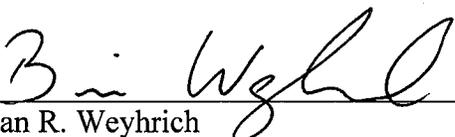
I hereby certify that on May 11, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing *Respondent's Motion for Subpoenas Ad Testificandum* upon:

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

I hereby certify that on May 11, 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

Steven Dahm, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sdahm@ftc.gov



Brian R. Weyhrich
Parker Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
Telephone: (704) 372-9000
Facsimile: (704) 334-4706



United States of America
Federal Trade Commission
SUBPOENA

1. TO

Eric Heglie
3 Maloyan Lane
Lafayette, CA. 94549

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, D.C. 20580

3. DATE AND TIME OF HEARING

May 12, 2009 @ 10am

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 Rikard (704) 335 9011
Eric Welsh (704) 335 9052

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

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:

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

Dan Weerts
5948 Southwest Amberwood Drive
Corvallis, Oregon 97333

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, D.C. 20580

3. DATE AND TIME OF HEARING

May 12, 2009 @ 10am

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 Rikard (704) 335 9011
Eric Welsh (704) 335 9052

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

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:

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)