

ORIGINAL



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

In the Matter of _____
POLYPORE INTERNATIONAL, INC., _____
Respondent. _____

Docket No. 9327

**ORDER ON NON-PARTY HOLLINGSWORTH & VOSE'S
MOTION TO QUASH SUBPOENAS *AD TESTIFICANDUM*
AND MOTION FOR *IN CAMERA* TREATMENT**

On May 12, 2009, non-party Hollingsworth & Vose Company ("H&V") filed a motion to quash the subpoenas *ad testificandum* served on H&V employees, Robert Cullen and Kevin Porter. H&V asserts that both of these employees have previously provided deposition testimony and thus their testimony at trial would be needlessly cumulative.

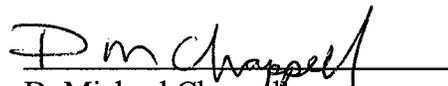
Trial in this matter is currently proceeding. On May 14, 2009, in open court, the parties agreed to allow these witnesses to appear through deposition testimony and Respondent agreed to withdraw these subpoenas.

Accordingly, H&V's motion to quash is DENIED AS MOOT.

Also on May 12, 2009, H&V filed a motion seeking *in camera* treatment for the affidavit of Joseph F. Sherer in support of its motion to quash. ("Sherer Affidavit"). The Commission's Rules of Practice allow parties and non-parties to seek *in camera* treatment for material *offered into evidence*. 16 C.F.R. § 3.45(b) (emphasis added). The Sherer Affidavit is not being offered into evidence, thus *in camera* treatment is procedurally incorrect. The Sherer Affidavit is, instead, governed by Commission Rules 3.22(b) and 3.45(e), which allow parties and non-parties to file a confidential version of any document filed in a Part III proceeding. 16 C.F.R. §§ 3.22(b), 3.45(e).

Accordingly, H&V's motion for *in camera* treatment is DENIED.

ORDERED:


D. Michael Chappell
Chief Administrative Law Judge

Date: May 14, 2009