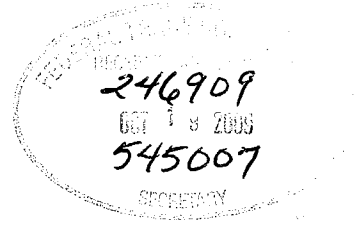


ORIGINAL

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



In the Matter of)	
)	
)	Docket No. 9327
POLYPORE INTERNATIONAL, INC.,)	
Respondent.)	
)	

**ORDER DENYING RESPONDENT'S MOTION FOR A
COURT ORDER ALLOWING RESPONDENT TO
REVIEW THE DECLARATION OF DOUGLAS GILLESPIE**

I.

On October 7, 2009, Respondent submitted its Motion for a Court Order Allowing Respondent to Review the Declaration of Douglas Gillespie ("Motion for Review"). Complaint Counsel submitted its opposition on October 8, 2009. In addition, Exide Technologies, Inc. ("Exide") submitted an opposition on October 9, 2009 and a motion seeking *in camera* treatment for the Gillespie Declaration. The *in camera* treatment motion is pending. For the reasons set forth below, the Respondent's Motion for Review is DENIED.

II.

Douglas Gillespie, a senior executive with Exide, provided a declaration ("Gillespie Declaration") for Complaint Counsel which Complaint Counsel submitted with its Response to Respondent's Second Motion to Reopen the Hearing Record. The Gillespie Declaration was labeled as "*In Camera*" and "Confidential Pursuant to Protective Order" in Complaint Counsel's filing. Counsel for Respondent seeks to disclose the Gillespie Declaration to employees of Respondent.

By Order dated October 2, 2009, Respondent was ordered to file a reply in support of its Second Motion to Reopen the Hearing Record and to respond to the issues raised by Complaint Counsel's Response, which included the Gillespie Declaration. Respondent argues that, in order to provide a comprehensive reply, it needs to be able to disclose the Gillespie Declaration to Polypore employees. Complaint Counsel asserts that it is not necessary for Respondent's counsel to provide the Gillespie Declaration to Polypore executives to elicit responses to the facts stated in the Gillespie Declaration. By Order dated October 15, 2009, Respondent's Second Motion to Reopen the Hearing Record was granted. Accordingly, the basis raised by Respondent for disclosure is moot.


Moreover, the information contained in the Gillespie Declaration relates to

negotiations between Exide and Daramic and reveals confidential information that is subject to the Protective Order entered in this case on October 23, 2008. Under the terms of the Protective Order, confidential information submitted by a third party during the course of proceedings shall not be disclosed to employees of Respondent. Protective Order, ¶ 9.

III.

Respondent has failed to provide sufficient bases to require modification of the Protective Order to allow the disclosure of confidential information to Respondent's employees. Accordingly, Respondent's Motion is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: October 19, 2009