

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



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In the Matter of )  
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POLYPORE INTERNATIONAL, INC., )  
Respondent. )  
\_\_\_\_\_ )

Docket No. 9327

**ORDER GRANTING MOTION TO REVISE HEARING SCHEDULE**

**I.**

By Order dated October 15, 2009, Respondent's Second Motion to Reopen the Hearing Record was granted and a scheduling order was issued. Respondent, on October 22, 2009, submitted a motion to amend the hearing schedule. Complaint Counsel submitted its response on October 23, 2009. For the reasons set forth below, Respondent's motion is GRANTED.

**II.**

The final prehearing conference and hearing are currently scheduled to begin on November 4, 2009. Respondent asks that the date of the prehearing conference and hearing be rescheduled for November 9, 2009, any other day the week of November 9, 2009, or other such suitable day and time as the Court may direct.

Respondent states that Respondent's trial counsel, William L. Rikard, Jr., has an unavoidable conflict on November 4 and 5, 2009, which cannot be rescheduled and that Mr. Robert Toth, one of Respondent's intended witnesses, also has an immovable conflict which will render him unable to testify on November 4 and 5, 2009. Respondent asserts that these long-standing conflicts cannot be rescheduled and thus argues that good cause exists for modifying the scheduling order.

Complaint Counsel filed a response indicating that it would not oppose the request to reschedule the hearing for November 9, 2009.

**III.**

Respondent has demonstrated good cause to modify the schedule. Although Respondent did not seek modifications to other dates in the scheduling order, in order to

allow the parties additional time to prepare for the hearing, some modifications are made. The schedule is hereby revised, with the hearing to begin on November 12, 2009:

- October 27, 2009 - Deadline for depositions, limited to the individuals to be called at the hearing and limited to the proffered evidence.
- October 29, 2009 - Parties exchange and serve courtesy copies on ALJ of their proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative, or summary exhibits), and a brief summary of the testimony of each witness.
- October 29, 2009 - Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- November 3, 2009 - Deadline for filing motions for *in camera* treatment of proposed exhibits.
- November 6, 2009 - Exchange objections to final proposed exhibit lists. Exchange objections to the designated testimony to be presented by deposition and counter-designations. The parties shall attempt to stipulate to admissibility of exhibits and any designated testimony.
- November 6, 2009 - Deadline for filing responses to motions for *in camera* treatment of proposed exhibits.
- November 9, 2009 - Provide to ALJ any remaining objections to final proposed exhibits and any remaining objections to designated testimony.
- November 9, 2009 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be offered as agreed by the parties.
- November 12, 2009 - Prehearing conference to begin at 10:00 a.m. in Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition

testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Exhibits will be admitted or excluded to the extent practicable.

November 12, 2009 - Commencement of hearing, to begin immediately after the prehearing conference, in Room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

Each party will be allowed a brief opening statement and closing argument.

November 24, 2009 - Deadline for filing concurrent post-hearing supplemental briefs, proposed findings of fact, and proposed conclusions of law.

December 4, 2009 - Deadline for filing concurrent post-hearing supplemental reply briefs and replies to proposed findings of fact.



D. Michael Chappell  
D. Michael Chappell  
Chief Administrative Law Judge

Date: October 23, 2009