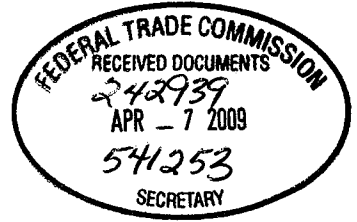


ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



In the Matter of Polypore International, Inc. a corporation.)))))))	Docket No. 9327 PUBLIC
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JOINT MOTION TO REVISE SCHEDULING ORDER

Pursuant to the Federal Trade Commission's Rules of Practice ("Rules"), 16 C.F.R. § 3.21(c)(2), Complaint Counsel and Respondent (the "Parties") jointly move to modify the Scheduling Order to defer the deadline for filing in camera motions for designated third party witness deposition transcripts, until it is determined whether the designated transcripts will be offered and admitted into evidence. The parties also jointly move that in lieu of filing pretrial briefs that include findings of facts and conclusions of law, that they file pretrial briefs with a maximum 40 page limit that address all contested issues with factual issues supported by document and/or deposition citations. The parties request a ruling on an expedited basis as the deadline for third parties to seek in camera treatment with respect to transcript designations is April 9, 2009, and the deadlines for Complaint Counsel's and Respondent's pretrial briefs and proposed findings of fact and conclusions of law are April 20 and May 5, respectively.

The parties request that in camera motions for designated third party transcripts be deferred until it is determined that the third party witness will not be testifying live, but rather by deposition. Rule 3.21(c)(2) authorizes the Court to grant a motion to extend any deadline or time specified in the Scheduling Order upon a showing of "good cause." As demonstrated below, the Parties jointly submit that there is good cause for the requested extension of the scheduling order deadline with respect to third party motions related to designated testimony.

In the course of discovery, third party witnesses, without exception, requested that their deposition transcripts be marked confidential pursuant to the protective order entered into in this matter. In identifying its proposed exhibits, Respondent designated and marked as proposed exhibits portions of a number of third party witness transcripts. Likewise, Complaint Counsel designated and marked one third party witness transcript. Each party marked as exhibits their respective third party witness designations in the event that the Court permitted such third party witnesses to testify by deposition. Many of these third parties, which are in the process of preparing in camera motions for their company documents, have complained to the parties regarding the additional burden of having to go line by line through deposition testimony to determine whether they need to seek in camera treatment for each designated portion of their transcripts. They argue that if they testify live, as opposed to by deposition, their transcript may not be offered into evidence, and thus, their efforts in preparing the in camera motions will be wasted.

These third parties are also concerned that preparing in camera motions on designated deposition transcripts, which may not be offered into evidence, will take valuable time away from the important task of preparing in camera motions for their business documents by the April 9 deadline.

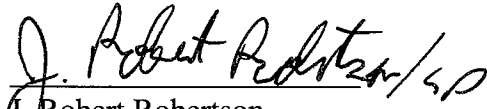
The parties are sympathetic to the concerns of the third parties and request that the Court defer third party in camera motions for designated deposition testimony until such time as it becomes apparent that the third party will testify by deposition. The parties agree to provide 10 days advance notice to a third party prior to offering such third party's designated testimony into evidence pursuant to 16 C.F.R. § 3.45(b).

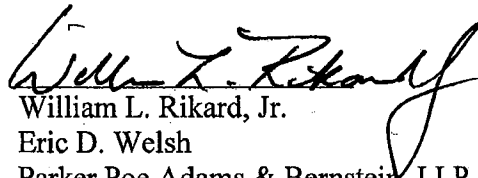
The parties also request that in lieu of filing pretrial briefs that include findings of facts

and conclusions of law, that they file pretrial briefs with a maximum 40 page limit that address all contested issues with factual issues supported by document and/or deposition citations. The Scheduling Order currently requires the Complaint Counsel to file a pretrial brief, including proposed findings of fact and conclusions of law on April 20, 2009, and Respondent to file a pretrial brief, including findings of fact and conclusions of law on May 5, 2009. While the parties have exchanged exhibit lists and have conferred with respect to the documentary evidence that they propose to use at the hearing in this matter, agreement has not yet been reached on to which documents each party may object. The parties are thus reluctant to develop detailed proposed findings of fact that may not accurately reflect the actual evidence that will be put on at trial. Rather than burden the court with extensive pretrial findings that may not accurately reflect the documentary evidence that will ultimately form the record in this matter, the parties propose that the Scheduling Order requirement that the parties file proposed findings of fact and conclusions of law be modified such that the parties need only file pretrial briefs that address all contested issues, with factual issues supported by document and/or deposition citations, and that the maximum page length for such briefs be 40 pages.

Dated: April 7, 2009

Respectfully submitted,


J. Robert Robertson
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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of)
)

Docket No. 9327

POLYPORE INTERNATIONAL, INC.)
Respondent.)
_____)

**PROPOSED
ORDER GRANTING JOINT MOTION
TO AMEND SCHEDULING ORDER**

Upon consideration of the Joint Motion to Revise Scheduling Order ("Motion") and the Court being fully informed, it is this day of _____, 2009

hereby

ORDERED, that the Motion is GRANTED; and it is further

ORDERED, that *in camera* motions for designated third party transcripts is deferred until it is determined that the third party witness will not be testifying live, but rather by deposition; and

ORDERED, that Complaint Counsel and Respondent need not file pretrial findings of fact and conclusions of law. The page limit for pretrial briefs is to be 40 pages. All additional provisions in the February 4, 2009 Scheduling Order remain in effect.

ORDERED

D. Michael Chappell
Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2009, I filed via hand and electronic mail delivery an original and two copies of the foregoing Joint Motion to Revise Scheduling Order with:

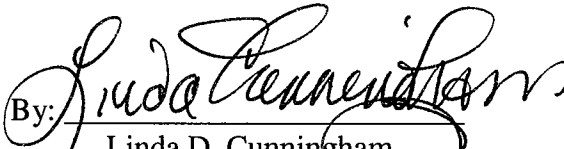
Donald S. Clark, Secretary
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW, Rm. H-159
Washington, DC 20580

I hereby certify that on April 7, 2009, I filed via electronic and interoffice mail delivery two copies of the foregoing Joint Motion to Revise Scheduling Order with:

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

I hereby certify that on April 7, 2009, I filed via electronic and first class mail delivery a copy of the foregoing Joint Motion to Revise Scheduling Order with:

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