# ORIGINAL

#### UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION



**COMMISSIONERS:** 

William E. Kovacic, Chairman

Pamela Jones Harbour

Jon Leibowitz
J. Thomas Rosch

	)	
In the Matter of	)	
`	) Docket No. 93	27
Polypore International, Inc.,	) Public	
	)	
A corporation.	)	
_	)	

# MOTION FOR ADDITIONAL ONE-DAY EXTENSION OF TIME TO MOVE TO LIMIT SUBPOENA SERVED BY RESPONDENT UPON THIRD PARTY THE MOORE COMPANY AND TO SEEK COST REIMBURSEMENT

Third party The Moore Company hereby respectfully moves for an additional one-day extension of time -- to Tuesday, December 23, 2008 -- to move to limit the subpoena served upon it by Respondent Polypore International, Inc. ("Polypore") and to seek cost reimbursement. In support of this motion, The Moore Company states as follows:

- 1. On November 6, 2008, Polypore served a Subpoena *Duces Tecum* (the "Subpoena") on The Moore Company pursuant to Rule 3.34(b) of the Federal Trade Commission's Rules of Practice For Adjudicative Proceedings, 16 C.F.R. § 3.34(b).
- 2. The Subpoena seeks documents in the possession of Amer-Sil, a Luxembourg corporation.
- 3. Following service of the Subpoena on The Moore Company, counsel for Polypore and counsel for The Moore Company engaged in good faith negotiations in an attempt to reach an agreement as to the scope of the Subpoena.

- 4. Pending these negotiations, counsel for Polypore and The Moore Company entered into several Stipulations extending The Moore Company's deadline for moving to limit the Subpoena.
- 5. On December 16, 2008, The Moore Company filed a motion for an extension of time until Monday, December 22, 2008 to move to limit the Subpoena and to seek cost reimbursement.
- 6. Counsel for The More Company intended to file its motion to limit the Subpoena on December 22, 2008. However, counsel for The Moore Company encountered unexpected difficulties in communicating with its client, who resides overseas, and was unable to finalize its motion by December 16, 2008.
- 7. Accordingly, The Moore Company seeks an additional one-day extension of time -- to December 23, 2008 -- to file its motion to limit the Subpoena and seek cost reimbursement.
- 8. The Moore Company intends to request that the Administrative Law Judge enter an Order requiring Polypore to reimburse The Moore Company for its costs incurred in responding to the Subpoena, including costs incurred in locating and producing documents in compliance with the Subpoena.
- 9. The Moore Company will not, however, delay document production during the period that its cost reimbursement motion may be pending.
- 10. Counsel for The Moore Company attempted to contact counsel for Polypore, Eric Welsh, to obtain his position on the requested relief. Counsel for The Moore Company was unable to reach Attorney Welsh.

WHEREFORE, The Moore Company respectfully seeks an additional one-day extension of time to December 23, 2008 to move to limit the subpoena served upon it by Respondent Polypore and to seek cost reimbursement.

Respectfully submitted,

THE MOORE COMPANY

By its attorneys,

Michael J. Connolly
Laura B. Angelini
HINCKLEY, ALLEN & SNYDER LLP
28 State Street
Boston, Massachusetts 02109-1775
(617) 345-9000

#### **CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2008, I caused a copy of this document to be served upon the following persons via first class mail, postage pre-paid:

Eric D. Welsh, Esq. Parker Poe Adams & Bernstein LLP Three Wachovia Center, Suite 3000 401 South Tryon Street Charlotte, NC 28202-1935 (704) 372-9000

J. Robert Robertson, Esq. Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, D.C. 20580

Steven Dahm, Esq. Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, D.C. 20580

yours.

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In the Matter of	)	
	,	ket No. 9327
Polypore International, Inc.,	) Pub	lic
	)	
A corporation.	)	

## **ORDER**

Upon consideration of the motion of The Moore Company, it is hereby ordered that the time in which The Moore Company may move to limit the subpoena issued by Respondent, Polypore International, Inc., and/or to seek cost reimbursement with respect to locating and producing documents in compliance with said subpoena, is extended up to and including December 23, 2008.

ENTER:	
Administrat	ive Law Judge D. Michael Chappell