

ORIGINAL



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

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

**ORDER GRANTING NON-PARTY THE MOORE COMPANY'S
MOTION FOR EXTENSION OF TIME TO SEEK *IN CAMERA* TREATMENT**

I.

On April 9, 2009, non-party The Moore Company submitted a motion for an extension of time to seek *in camera* treatment ("Motion"). As set forth below, The Moore Company has demonstrated good cause for the relief requested and no response or opposition will be necessary, and the Motion is GRANTED.

II.

The Scheduling Order in this case, issued on October 22, 2008, and revised on February 4, 2009, sets April 9, 2009 as the deadline for filing motions for *in camera* treatment. The Revised Scheduling Order also requires the parties, by March 27, 2009, to provide notice to non-parties if they intend to offer non-parties' confidential materials into evidence. In addition, by Order dated April 8, 2009, the deadline for non-parties to file motions for *in camera* treatment for designated non-party witness deposition transcripts was extended until after the parties have determined whether to call such individuals to testify at trial or to offer such transcripts into evidence.

The Moore Company states that, by letter dated March 26, 2009, Complaint Counsel informed The Moore Company that it intended to introduce into evidence an affidavit of Guy Dauwe. The Moore Company further states that since that designation has been made, it has been determined that Dauwe will be the subject of a deposition by Complaint Counsel on April 23, 2009. The Moore Company states that in light of Dauwe's pending deposition, it is unlikely that the parties will seek to rely on the affidavit. The Moore Company requests that the relief granted in the April 8, 2009 Order be applied to the testimony of Dauwe, including all deposition testimony and affidavit excerpts.

In addition, The Moore Company states that, by letter dated March 27, 2009, Respondent informed The Moore Company that it intended to introduce into evidence confidential material

in the form of documents The Moore Company has produced, documents used in depositions of The Moore Company's witnesses, and/or the deposition testimony or transcripts of The Moore's Company's witnesses. The Moore Company argues that because Respondent has not identified with specificity which documents Respondent may introduce at trial, The Moore Company is severely hampered in its efforts to apply for *in camera* treatment.

III.

Upon consideration of the arguments raised in The Moore Company's motion for an extension of time to file its motion for *in camera* treatment, it is GRANTED.

Respondent is hereby directed to inform The Moore Company, with specificity, which documents it intends to introduce at trial by April 17, 2009. The Moore Company shall file its motion for *in camera* treatment for such documents, not including affidavits, by April 24, 2009. Any oppositions to The Moore Company's motion for *in camera* treatment for such documents shall be filed by April 28, 2009.

The Moore Company shall file its motion for *in camera* treatment for deposition testimony and affidavits in accordance with the April 8, 2009 Order Granting Joint Motion to Revised the Scheduling Order, as modified by the April 14, 2009 Modification of Order Granting Joint Motion to Revise the Scheduling Order.

ORDERED:



D. Michael Chappell
Administrative Law Judge

Dated: April 14, 2009