

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

**ORIGINAL**

**In the Matter of** )  
)  
)  
)  
**Polypore International, Inc.** )  
**a corporation** )  
)

**Docket No. 9327**

246958  
OCT 21 2009  
545056

**PUBLIC DOCUMENT**

**RESPONDENT'S MOTION FOR THE ISSUANCE OF A SUBPOENA AD  
TESTIFICANDUM**

Pursuant to Rule 3.34(a)(2) Rules of Practice for Adjudicative Proceedings before the United States Federal Trade Commission, Respondent Polypore International, Inc. ("Polypore") respectfully moves for an Order authorizing the issuance of one subpoena *ad testificandum* to be issued to Douglas Gillespie. This individual is located in the United States.

The anticipated testimony of this individual is reasonably relevant to Respondent's defense of this matter and, thus satisfies the conditions under Rule 3.34(a)(2) for the issuance of a subpoena *ad testificandum* to give testimony at an adjudicative hearing. A brief description of this individual's position and relevance to Respondent's case is as follows:

|         |           |   |
|---------|-----------|---|
| Douglas | Gillespie | Exide Technologies, Vice President, Global Procurement. May testify on direct and/or in rebuttal testimony regarding information concerning the matters related to his Declaration, dated September 30, 2009, including without limitation, Exide's purchase orders for separators placed with Daramic following the close of the hearing record, Exide's actual or potential warehousing of Daramic separators, Exide's purchase of PE separators for 2010 and 2011 and discussions between Exide and Daramic regarding a new contract |
|---------|-----------|---|

Respondent reserves the right to subpoena additional witnesses for trial.

Dated: October 20, 2009

Respectfully Submitted,



William L. Rikard, Jr.

Eric D. Welsh

PARKER POE ADAMS & BERNSTEIN, LLP

Three Wachovia Center

401 South Tryon Street, Suite 3000

Charlotte, NC 28202

Telephone: (704) 372-9000

Facsimile: (704) 335-9689

[williamrikard@parkerpoe.com](mailto:williamrikard@parkerpoe.com)

[ericwelsh@parkerpoe.com](mailto:ericwelsh@parkerpoe.com)

John F. Graybeal

PARKER POE ADAMS & BERNSTEIN, LLP

150 Fayetteville Street

Raleigh, NC 27602

Telephone: (919) 835-4599

Facsimile: (919) 828-0564

[johngraybeal@parkerpoe.com](mailto:johngraybeal@parkerpoe.com)

*Attorneys for Respondent*

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

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**PROPOSED ORDER GRANTING RESPONDENT'S MOTION  
FOR THE ISSUANCE OF A SUBPOENA AD TESTIFICANDUM**

IT IS ORDERED THAT, upon due consideration, Respondent Polypore International, Inc.'s Motion for the Issuance of a Subpoena *ad testificandum* is hereby GRANTED.

\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2009, I caused to be filed via hand delivery and electronic mail delivery an original and two copies of the foregoing ***Respondent's Motion for the Issuance of a Subpoena ad testificandum***, and that the electronic copy is a true and correct copy of the paper original and that a paper copy with an original signature is being filed with:

Donald S. Clark, Secretary  
Office of the Secretary  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Rm. H-135  
Washington, DC 20580  
[secretary@ftc.gov](mailto:secretary@ftc.gov)

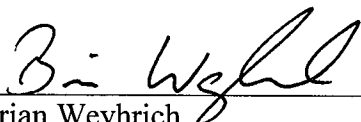
I hereby certify that on October 21, 2009, I caused to be served one copy via electronic mail delivery and two copies via overnight mail delivery of the foregoing ***Respondent's Motion for the Issuance of a Subpoena ad testificandum*** upon:

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[oalj@ftc.gov](mailto:oalj@ftc.gov)

I hereby certify that on October 21, 2009, I caused to be served via first-class mail delivery and electronic mail delivery a copy of the foregoing ***Respondent's Motion for the Issuance of a Subpoena ad testificandum*** upon:

J. Robert Robertson, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[rrobertson@ftc.gov](mailto:rrobertson@ftc.gov)

Steven Dahm, Esq.  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
[sdahm@ftc.gov](mailto:sdahm@ftc.gov)

  
\_\_\_\_\_  
Brian Weyhrich  
Parker Poe Adams & Bernstein LLP  
Three Wachovia Center  
401 South Tryon Street, Suite 3000  
Charlotte, NC 28202  
Telephone: (704) 335-6639  
Facsimile: (704) 334-4491



United States of America  
Federal Trade Commission

**SUBPOENA**

1. TO  
Mr. Douglas Gillespie  
Exide Technologies  
13000 Deerfield Parkway  
Building 200  
Alpharetta, GA 30004

This subpoena requires you to appear and give testimony at the date and time specified in Item 3 at the request of Counsel listed in Item 7 at a hearing in the proceeding described in Item 4.

|   |  |
|---|--|
| <p>2. LOCATION OF HEARING</p> <p>FEDERAL TRADE COMMISSION<br/>600 PENNSYLVANIA AVE., NW<br/>HEARING ROOM 532<br/>WASHINGTON, DC 20580</p> | <p>3. DATE AND TIME OF HEARING</p> <p>November 4, 2009 at 10:00 am</p> |
|---|--|

4. SUBJECT OF PROCEEDINGS

POLYPORE INTERNATIONAL, INC., DOCKET NO. 9327

5. RECORDS YOU MUST BRING WITH YOU

NONE

|   |   |
|---|---|
| <p>6. ADMINISTRATIVE LAW JUDGE</p> <p>D. MICHAEL CHAPPELL</p> | <p>7. COUNSEL REQUESTING SUBPOENA</p> <p>Eric D. Welsh<br/>Three Wachovia Center, Suite 300<br/>401 South Tryon Street<br/>Charlotte, NC 28202-1935</p> |
|---|---|

|                    |   |
|--------------------|---|
| <p>DATE ISSUED</p> | <p>ADMINISTRATIVE LAW JUDGE'S SIGNATURE</p> |
|--------------------|---|

**GENERAL INSTRUCTIONS**

**APPEARANCE**

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

**MOTION TO LIMIT OR QUASH**

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the motion must be filed with the Secretary of the Federal Trade Commission. Send one copy to the Requesting Counsel named in Item 7 and to all other parties prescribed in the Rules of Practice.

**TRAVEL EXPENSES**

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to Counsel listed in Item 7 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from Counsel listed in Item 7.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

**RETURN OF SERVICE**

*I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)*

*in person.*

*by registered mail.*

*by leaving copy at principal office or place of business, to wit:*

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*on the person named herein on:*

-----  
(Month, day, and year)

-----  
(Name of person making service)

-----  
(Official title)