

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re: : Chapter 11
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EXIDE TECHNOLOGIES, : Case No. 13-11482 (KJC)
:

Debtor.¹ :
: **Related Docket Nos. 962, 1164**
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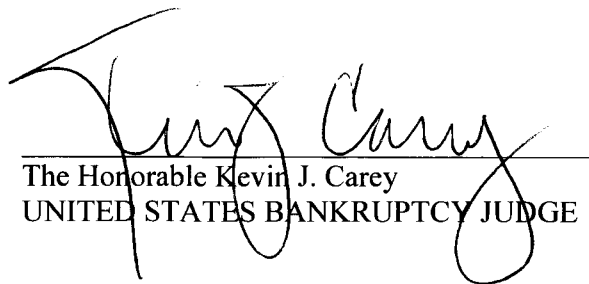
**ORDER GRANTING STIPULATION CONCERNING THE WATTLES COMPANY'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Upon consideration of the stipulation (the "Stipulation") by and among the Debtor and The Wattles Company attached hereto as Exhibit 1; and good and sufficient cause appearing therefor; it is hereby:

ORDERED, ADJUDGED AND DECREED that:

1. The Stipulation is APPROVED.
2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this order.

Dated: Wilmington, Delaware
Dec 17, 2013



The Honorable Kevin J. Carey
UNITED STATES BANKRUPTCY JUDGE

¹ The last four digits of Debtor's taxpayer identification number are 2730. The Debtor's corporate headquarters are located at 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.

EXHIBIT 1

STIPULATION

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re) Chapter 11
)
EXIDE TECHNOLOGIES,) Case No. 13-11482 (KJC)
)
Debtor.)
) **Related Docket No. 962**

**STIPULATION CONCERNING THE WATTLES COMPANY'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, on October 24, 2013 The Wattles Company (“Wattles”) filed a motion with this Court, pursuant to Section 362(d) of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Federal Rule of Bankruptcy Procedure 4001, and Local Rule 4001-1, for an order lifting the automatic stay imposed by section 362(a) of the Bankruptcy Code for the purpose of permitting Wattles to (i) prosecute and liquidate, by judgment or otherwise, its breach of contract and related state law claims against Debtor, as asserted in the Movant’s Complaint for Damages (the “Complaint”) filed in the Superior Court of the State of Washington, Pierce County, in the lawsuit styled *The Wattles Co. v. Exide Technologies, Inc.*, Case No. 13-2-07695-6 (the “State Court Action”); and (ii) collect any judgment or settlement against any available insurance proceeds under any applicable policy (the “Motion for Stay Relief”); and

WHEREAS Wattles sought discovery of Debtor’s applicable insurance policies and third party indemnification agreements in connection with the Motion for Stay Relief.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Wattles and Debtor Exide Technologies (“Debtor”), as follows:

1. Wattles hereby withdraws, without prejudice, its Motion for Stay Relief. Wattles shall be entitled to re-file the Motion for Stay Relief provided that the hearing on any such re-filed Motion for Stay Relief shall not take place sooner than the March 2014 omnibus hearing.

2. Debtor hereby agrees to use reasonable efforts to search for and produce to Wattles, on a rolling basis but in no event later than forty-five (45) days from the date this stipulation is filed, the following insurance policies, after redaction for confidential information, issued to, for, or on behalf of GBW Corporation, General Battery of Washington, General Battery Corporation, Exide Corporation, and/or Exide Technologies (whether as a named insured, additional insured, insured, or otherwise): (a) pollution and environmental liability insurances policies for the coverage periods 2010-2011, 2011-2012 and 2012-2013 and (b) general liability policies between 1981 and 2013. Debtor also agrees to use reasonable efforts to determine whether, in the Debtor's reasonable belief, any other policies (including but not limited to any tenant and renter's policies and other pollution and environmental policies between 1981 and 2013) are relevant to any claims by Wattles relating to the State Court Action and/or the real property and all improvements thereon located at 1911-2001 Fryar Avenue in Sumner, Washington (the "Property"), and if the Debtor determines, in Debtor's reasonable belief, that additional policies are relevant to claims made by Wattles relating to the State Court Action or the Property (the "Additional Relevant Policies"), the Debtor agrees to use reasonable efforts to obtain and produce to Wattles, on a rolling basis, any Additional Relevant Policies. For the avoidance of doubt, any insurance policies which are considered "claims made" policies, under which a claim has not been made, are not relevant. To the extent that any of the insurance policies located by Debtor actually provide coverage for any claims by Wattles relating to the State Court Action and/or the Property, then Debtor shall also use reasonable efforts to search for

and disclose to Wattles on a rolling basis but in no event later than thirty (30) days from the date Wattles establishes that the policy(ies) actually provide coverage: (y) the existence and amounts of any claims against, or other impairments to, those policies; and (z) any policies providing excess or umbrella coverage as to the policy(ies) that actually provide primary coverage for any claims by Wattles relating to the State Court Action and/or the Property.

Dated this 17th Day of December, 2013

<p>SKADDEN, ARPS, SLATE MEAGHER & FLOM LLP</p> <p>Anthony W. Clark (I.D. No. 2051) Kristhy M. Peguero (I.D. No. 4903) One Rodney Square P.O. Box 636 Wilmington, Delaware 19899-0636 Telephone: (302) 651-3000 Fax: (302) 651-3001</p> <p>- and -</p> <p>Kenneth S. Ziman J. Eric Ivester Four Times Square New York, New York 10036-6522 Telephone: (212) 735-3000 Fax: (212) 735-2000</p> <p>- and -</p> <p>By: <u>/s/ James J. Mazza, Jr.</u> James J. Mazza, Jr. 155 N. Wacker Dr. Chicago, Illinois 60606 Telephone: (312) 407-0700 Fax: (312) 407-0411</p> <p><i>Counsel for Debtor and Debtor in Possession</i></p>	<p>MEISTER SEELIG & FEIN, LLP</p> <p>By: <u>/s/ Christopher J. Major</u> Christopher J. Major, Esq. 140 East 45th Street Two Grand Central Tower New York, NY 10017 T (212) 655-3579 F (212) 655-3679</p> <p><i>Attorneys for The Wattles Company Admitted pro hac vice Docket No. 1013</i></p>
	<p>SULLIVAN · HAZELTINE · ALLINSON LLC</p> <p>By: <u>/s/ Elihu Ezekiel Allinson</u> "Zeke" Allinson, III, Esq. 901 North Market Street, Suite 1300 Wilmington, Delaware 19801 T (302) 428-8191 x 103 F (302) 428-8195 C (302) 521-8444</p> <p><i>Attorneys for The Wattles Company</i></p>