

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

In re: : Chapter 11  
: :  
EXIDE TECHNOLOGIES,<sup>1</sup> : Case No. 13-11482 (KJC)  
: :  
Reorganized Debtor. : **Re: Docket No. 4435**  
: **Hrg. Date: September 17, 2015 at 4:00 p.m. (ET)**

**RESPONSE OF GLOBAL PERSONNEL SERVICES INC. TO REORGANIZED DEBTOR'S (SUBSTANTIVE) TWENTY-FIRST OMNIBUS OBJECTION PURSUANT TO BANKRUPTCY CODE SECTION 502(b), BANKRUPTCY RULE 3007, AND LOCAL RULE 3007-1 TO CERTAIN (A) MISCLASSIFIED CLAIMS, (B) REDUCE AND ALLOW CLAIMS, (C) PREVIOUSLY DISCHARGED CLAIMS, AND (D) NO LIABILITY CLAIMS ("TWENTY-FIRST OMNIBUS CLAIMS OBJECTION")**

Global Personnel Services Inc. ("Global"), through its undersigned attorneys, hereby responds (the "Response") to the objection (the "Claim Objection") of the reorganized debtor in the above-captioned case ("Exide" or the "Reorganized Debtor") to Global's proof of claim filed in this case (the "Global Claim"). In support of its Response, Global respectfully states as follows:

**BACKGROUND**

1. The Debtor commenced this case by filing a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") on June 10, 2013 (the "Petition Date").
2. On September 13, 2013, the Court entered the Bar Date Order<sup>2</sup>, establishing October 31, 2013 as the General Bar Date.
3. In the Claim Objection, the Reorganized Debtor asserts that "the Disputed Claims identified on Exhibit A to the Proposed Order (the "Misclassified Claims") are Claims that assert

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

an administrative, secured, or priority claim, but which should be reclassified as set forth on Exhibit A as indicated in the column titled “Modified Classification” because the Claimants have failed to provide evidence, and the Reorganized Debtor is not aware of any facts, to support the administrative, secured, or priority claim status as asserted.” (Claim Objection, ¶ 17).

4. The Global Claim is listed on Exhibit A. Specifically, on Exhibit A, the Reorganized Debtor asserts that the Global Claim asserts a priority claim of \$285,212.85, and an unsecured claim of \$118,109.29, for a total claim of \$403,322.14. The Debtors assert that the claim should be modified as a priority claim of \$0, and an unsecured claim of \$403,322.14.

5. Thus, the Reorganized Debtor seeks to reclassify all of Global’s asserted priority claim as a general unsecured claim only. The only basis for this proposed reclassification is that “Claim for professional staffing services does not qualify for priority status under sections 507(a)(4) or 503(b)(4) of the bankruptcy code.”

6. For the reasons set forth herein, the Reorganized Debtor’s objection to the Global Claim should be denied, and the Global Claim should be allowed in the amounts and pursuant to the classifications asserted therein.

### **RESPONSE**

7. Fed. R. Bankr. P. 3001(a) provides that a proof of claim should set “forth a creditor’s claim,” and should “conform substantially to the appropriate Official Form.” Fed. R. Bankr. P. 3001 “militates against a hyper-technical approach to proofs of claim.” In re Rowell, 421 B.R. 524, 529 (Bankr. D. Minn. 2009).

8. Further, a proof of claim need not include every evidentiary element to support that claim, but instead “[t]he purpose of a proof of claim is to apprise the debtor and any other interested creditors of the existence of claims and the claim holders’ intention to hold the estate

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Claim Objection.

liable for debts.” In re Hanlin Grp., Inc., 185 B.R. 703, 707 (Bankr. D. N.J. 1995). Indeed, pursuant to Fed. R. Bankr. P. 3001(f), “A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.”

9. Thus, to the extent the Reorganized Debtor’s Claim Objection is based on some alleged insufficiency of evidence, as suggested in paragraph 17 of the Claim Objection, that is not a valid basis to disallow or reclassify a claim—as the claimant does not bear the burden of supporting its claim with evidence.

10. Accordingly, the entirety of the objection boils down to one sentence in Exhibit A to the Claim Objection—the Debtor’s assertion that “Claim for professional staffing services does not qualify for priority status under sections 507(a)(4) or 503(b)(4) of the bankruptcy code.”

11. The Reorganized Debtor should not be permitted to reclassify a claim which is subject to a presumption of prima facie validity based solely on one unsupported sentence buried in an exhibit to the Claim Objection.

12. Moreover, the sentence regarding the Global Claim in Exhibit A to the Claim Objection is both factually and legally incorrect.

13. First, Global’s claim is not for “professional staffing services.” Through its agreement with the Debtor, Global provided numerous employees to assist in the Debtor’s operations, including laborers, welders and others who would certainly not be classified as “professional staffers.”

14. Global is entitled to a priority claim, to the extent of \$12,437 for each individual, for wages earned by the individuals Global provided to the Debtor within 180 days of the Petition Date pursuant to section 507(a)(4) of the Bankruptcy Code.

15. Section 507(a)(4) provides for a priority claim for “allowed unsecured claim, but only to the extent of \$12,475 for each individual or corporation, as the case may be, earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor’s business, whichever occurs first, for –(A) wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual.” 11 U.S.C. § 507(a)(4).

16. The priority-component of Global’s claim against the Debtor relates to wages and salaries earned by individuals provided to the Debtor by Global within 180 days before the Petition Date, capped at \$12,475 per individual employee.

17. Accordingly, the priority-component of the Global Claim fits squarely within the contours of section 507(a)(4), and should be allowed as a priority claim in the amount of \$285,212.85.

**WHEREFORE**, Global respectfully requests that the Court enter an Order, in substantially the form submitted herewith, denying the Claim Objection as it pertains to Global; and (ii) granting such other relief as is just.

Respectfully submitted,

Dated: August 31, 2015

**MCELORY, DEUTSCH, MULVANEY  
& CARPENTER, LLP**

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FOR THE DISTRICT OF DELAWARE**

In re: : Chapter 11  
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EXIDE TECHNOLOGIES,<sup>1</sup> : Case No. 13-11482 (KJC)  
: :  
Reorganized Debtor. : **Re: Docket No.**  
: :

**ORDER DENYING TWENTY-FIRST OMNIBUS CLAIMS  
OBJECTION AS TO GLOBAL PERSONNEL SERVICES INC.**

Upon consideration of the Reorganized Debtor’s (Substantive) Twenty-First Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 To certain (A) Misclassified Claims, (B) reduce and Allow Claims, (C) Previously Discharged Claims, and (D) No Liability Claims (the “Claim Objection”), and the response thereto filed by claimant Global Personnel Services (“Global”), and after notice and a hearing, and for good cause shown; it is hereby

ORDERED, that the Claim Objection is DENIED as to Global; and it is further

ORDERED, that Global shall have an allowed priority claim in the amount of \$285,212.85, and an allowed general unsecured claim in the amount of \$118,109.29.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Kevin J. Carey  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of the Debtor’s taxpayer identification number are 2730. The Reorganized Debtor’s corporate headquarters are located at 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.



**SERVICE LIST**

<p>Office of the U.S. Trustee  Attn: Mark Kenney  844 North King Street,  Room 2207, Lockbox 35,  Wilmington, Delaware 19801  <b>(via Hand Delivery)</b></p>	<p>Exide Technologies  Attn: B. Holland Pritchard  13000 Deerfield Parkway,  Suite 100,  Milton, Georgia 30004  <b>(via First Class Mail)</b></p>	<p>Skadden, Arps, Slate,  Meagher &amp; Flom LLP  Attn: James J. Mazza, Jr.  Louis S. Chiappetta  155 N. Wacker Drive,  Chicago, Illinois 60606-1720  <b>(via First Class Mail)</b></p>
<p>Shaw Fishman Glantz &amp;  Towbin LLC  Attn: John Guzzardo  321 N. Clark Street, Suite 800,  Chicago, Illinois 60654  <b>(via First Class Mail)</b></p>	<p>GUC Trust Trustee  Province, Inc.  Attn: Peter S. Kravitz  9209 Canwood Street,  Suite 210  Agoura Hills, CA 91301  <b>(via First Class Mail)</b></p>	<p>Skadden, Arps, Slate,  Meagher &amp; Flom LLP  Anthony W. Clark  Dain A. De Souza One  Rodney Square  Wilmington, Delaware 19801  <b>(via Hand Delivery)</b></p>