

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

|                     |   |                                |
|---------------------|---|--------------------------------|
| In re:              | : | CHAPTER 11                     |
| EXIDE TECHNOLOGIES, | : | Case No. 13-11482 (KJC)        |
| Reorganized Debtor  | : | (D.I.s 4503, 4504, 4505, 4507) |
|                     | : |                                |
|                     | : |                                |

**ORDER SCHEDULING STATUS HEARING**

WHEREAS, on July 23, 2015, this Court entered an Order Resolving the Reorganized Debtor's Motion for Entry of an Order (I) Enforcing the Plan Injunction Under the Confirmation Order and the Confirmed Plan of Reorganization and (II) Awarding Costs and Attorney Fees, (the "July 2015 Order") (D.I. 4414), which set a schedule for the filing of motions and objections by the Reorganized Debtor and the South Coast Air Quality Management District (the "District"); and in accordance with the July 2015 Order the following motions and objections were filed:

- (A) The District's Motion for Entry of an Order Concerning the Timeliness of its General Unsecured Claims against Exide (the "GUC Motion") (D.I. 4503);
- (B) The District's Request for Judicial Notice (D.I. 4504);
- (C) The District's Motion for a Determination that it has Alleged a Prima Facie Case for Application of the 11 U.S.C. § 1141(d)(6) Exception to Discharge (the "Discharge Exception Motion") (D.I. 4505); and
- (D) The Reorganized Debtor's (Substantive) Objection Pursuant to Bankruptcy Code Section 503(b) and Bankruptcy Rule 3007 to Proof of Administrative Expense Claim Filed by the District (Claim No. 4123) (the "Claim Objection") (D.I. 4507); and

WHEREAS, in accordance with the Order Granting Parties' Agreed Schedule dated October 14, 2015 (D.I. 4528), the parties filed answers, objections and replies regarding the GUC Motion, the District's Request for Judicial Notice, the Discharge Exception Motion and the Claim Objection;<sup>1</sup> and

WHEREAS, on January 26, 2016, the parties separately filed Status Conference Statements (D.I. 4626, D.I. 4627), and this Court held a status conference on February 2, 2016;

WHEREAS, on May 18, 2016, this Court entered an Order Approving Mediation Stipulation between the Reorganized Debtor and the District (D.I. 4675), approving the parties' agreement to participate in mediation before the Honorable Scott C. Clarkson, United States Bankruptcy Judge for the Central District of California (the "Mediator");

WHEREAS, the Mediator has recently advised this Court that the mediation was unsuccessful;

AND NOW, THEREFORE, on this 7<sup>th</sup> day of September, 2017, upon consideration of the foregoing, it is hereby **ORDERED** that a status conference will be held on **September 28, 2017 at 1:00 p.m.** in Bankruptcy Courtroom No. 5, 824 Market St., Fifth Floor, Wilmington, Delaware, to consider further scheduling and the remaining pre-hearing needs of the parties; and

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<sup>1</sup> In connection with the District's response to the Claim Objection, the District filed a second Request for Judicial Notice (D.I. 4559).

It is further **ORDERED** that counsel for the Reorganized Debtor and counsel for the District are directed to appear in person at the status hearing.

BY THE COURT:

  
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KEVIN J. CAREY  
UNITED STATES BANKRUPTCY JUDGE

Dated: September 7, 2017

cc: Anthony W. Clark, Esquire<sup>2</sup>

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<sup>2</sup> Counsel shall serve a copy of this Order and accompanying Opinion upon all interested parties and file a Certificate of Service with the Court.