

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

EXIDE TECHNOLOGIES,<sup>1</sup>

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (KJC)

Related Docket Nos. 4435, 4463, 4481

**CERTIFICATION OF COUNSEL REGARDING PROPOSED  
ORDER APPROVING STIPULATION BETWEEN REORGANIZED DEBTOR  
AND GLOBAL PERSONNEL SERVICES INC. RESOLVING CLAIM NO. 737**

The undersigned hereby certifies the following:

1. On July 31, 2015, Exide Technologies, the reorganized debtor in the above-captioned case (the "Reorganized Debtor"), filed 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 (I) No Liability Claims, (II) Misclassified Claims, and (III) Reduce and Allow Claims* [Docket No. 4435] (the "Twenty-First Omnibus Claims Objection").
2. On August 31, 2015, Global Personnel Services Inc. ("Global") filed the *Response to Objection to Claim Regarding Reorganized Debtors (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* [Docket No. 4463] (the "Response").

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

3. On September 16, 2015, the Court entered the *Order Sustaining Reorganized Debtors (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 “Order”) [Docket No. 4481] adjourning, *inter alia*, claim number 737 of Global (the “Global Claim”).

4. The Reorganized Debtor and Global have resolved the Global Claim as memorialized in the *Stipulation Between Reorganized Debtor and Global Personnel Services Inc. Resolving Claim No. 737*.

5. Attached hereto as Exhibit 1 is a proposed form of order (the “Proposed Order”) approving the *Stipulation Between Reorganized Debtor and Global Personnel Services Inc. Resolving Claim No. 737* (the “Stipulation”) that resolves the Twenty-First Omnibus Claims Objection as it relates to the Global Claim. The Stipulation is attached to the Proposed Order as Exhibit A.

6. Accordingly, the Reorganized Debtor respectfully requests entry of the Proposed Order at the Court’s earliest convenience.

Dated: November 7, 2017

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**EXHIBIT 1**

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

In re:	)	
	)	Chapter 11
EXIDE TECHNOLOGIES,	)	
	)	Case No. 13-11482 (KJC)
Reorganized Debtor.	)	
	)	Re: D.I. # 4435, 4481
	)	

**ORDER APPROVING STIPULATION BETWEEN REORGANIZED DEBTOR  
AND GLOBAL PERSONNEL SERVICES INC. RESOLVING CLAIM NO. 737**

Upon consideration of the *Stipulation Between Reorganized Debtor and Global Personnel Services Inc. Resolving Claim No. 737* (the "Stipulation"), a copy of which is attached as **Exhibit A** to this Order; and due and proper notice of the Stipulation having been given; and after due deliberation and it appearing that sufficient cause exists to approve the Stipulation;

IT IS HEREBY ORDERED THAT:

1. The Stipulation is approved; and
2. This Court shall retain jurisdiction to hear and determine all matters

arising from the implementation of this Order.

Dated: \_\_\_\_\_, 2017

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

**EXHIBIT A**

**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. :  
:

**STIPULATION BETWEEN REORGANIZED DEBTOR  
AND GLOBAL PERSONNEL SERVICES INC. RESOLVING CLAIM NO. 737**

Exide Technologies ("Exide"), the reorganized debtor in the above captioned case (the "Reorganized Debtor"), and Global Personnel Services Inc. ("Global" and, together with the Reorganized Debtor, the "Parties"), respectfully submit this proposed stipulation and agreed order (the "Stipulation")<sup>2</sup> for the resolution of Claim No. 737.

**RECITALS**

WHEREAS, on June 10, 2013 (the "Petition Date"), Exide, the former debtor and debtor-in-possession in the above captioned case, filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court");

WHEREAS, on June 18, 2013, the United States Trustee for the District of Delaware (the "U.S. Trustee") appointed an Official Committee of Unsecured Creditors (the "Creditors' Committee") in the Chapter 11 Case pursuant to Bankruptcy Code section 1102. No trustee has been appointed in the Chapter 11 Case;

WHEREAS, on or around June 24, 2013, Exide and Global entered into a certain trade letter agreement (the "Trade Agreement"), pursuant to which Exide agreed to pay Global \$125,000 toward Global's prepetition trade claim, subject to, among other things, Global's

<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.

agreement “not to file or otherwise assert against [Exide], its estate, or any other person or entity or any of its respective assets or property (real or personal) any lien (a “Lien”) or claim for reclamation (“Reclamation Claim”) or claim under Bankruptcy Code section 503(b)(9) (a “503(b)(9) Claim”), regardless of the statute or other legal authority upon which such Lien or Reclamation Claim or 503(b)(9) [Claim] may be asserted....”;

WHEREAS, on September 13, 2013, this Court entered the *Order (I) Establishing Deadlines For (A) Submitting Proofs Of Claim And (B) Requests For Payment Under Bankruptcy Code Section 503(b)(9), (II) Approving The Form And Manner For Submitting Such Proofs Of Claim And Requests For Payment, And (III) Approving Notice Thereof* [Docket No. 696] (the “Bar Date Order”), which established October 31, 2013 as the General Bar Date;

WHEREAS, on October 2, 2013, Global filed a proof of claim (Claim No. 737) (the “Global Claim”) in the total amount of \$403,322.14, consisting of a priority claim in the amount of \$285,212.85 and a general unsecured claim in the amount of \$118,109.29;

WHEREAS, on February 4, 2015, this Court entered an *Order (A) Approving the Adequacy of the Debtor’s Disclosure Statement with Respect to the Plan of Reorganization of Exide Technologies; (B) Approving Solicitation and Notice Procedures with Respect to Confirmation of the Debtor’s Proposed Plan of Reorganization; (C) Approving the Form of Various Ballots and Notices in Connection Therewith; and (D) Scheduling Certain Dates with Respect Thereto* [Docket No. 3092] (the “Solicitation Procedures Order”). The Solicitation Procedures Order, among other things, (a) approved the adequacy of the Second Amended Disclosure Statement With Respect to the Second Amended Plan of Reorganization of Exide Technologies [Docket No. 3095] (the “Disclosure Statement”) and (b) authorized Exide to solicit

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<sup>2</sup> Any capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Objection.



acceptances or rejections of the Fourth Amended Plan of Reorganization of Exide Technologies (the "Plan");

WHEREAS, on March 27, 2015, the Bankruptcy Court entered the Findings of Fact, Conclusions of Law and Order Confirming Fourth Amended Plan of Reorganization of Exide Technologies [Docket No. 3423] (the "Confirmation Order"), which, among other things, confirmed the Plan;

WHEREAS, on April 30, 2015, the Debtor substantially consummated the Plan (the "Effective Date"). The Reorganized Debtor has emerged from chapter 11 as Exide Technologies;

WHEREAS, on July 31, 2015, the Reorganized Debtor filed 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 (I) No Liability Claims, (II) Misclassified Claims, And (III) Reduce And Allow Claims* [Docket No. 4435] (The "Twenty-First Omnibus Claims Objection"), objecting, *inter alia*, to the Global Claim, claim number 737, on the basis that the amount for which Global claimed priority status did not qualify for priority status under sections 507(a)(4) or 503(b)(4) of the Bankruptcy Code;

WHEREAS, on August 31, 2015, Global filed the *Response to Objection to Claim Regarding Reorganized Debtors (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* [Docket No. 4463] ("Response");

WHEREAS, on September 16, 2015, the Court entered the *Order Sustaining Reorganized Debtors (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 “Order”) [Docket No. 4481] adjourning, *inter alia*, claim number 737 of Global (the “Global Claim”); and

WHEREAS, the Parties have conferred and have agreed to reclassify the Global Claim and grant the Twenty-First Omnibus Claims Objection with respect to the Global Claim.

NOW THEREFORE, based upon the foregoing, it is hereby stipulated and agreed to by and between the Parties as follows:

#### STIPULATION

1. The foregoing recitals are hereby fully incorporated into and made an express part of this Stipulation.
2. Global’s Response is hereby withdrawn.
3. The Global Claim is hereby reclassified to a general unsecured claim in the amount of \$403,322.14, payable in accordance with the Plan.
4. The Reorganized Debtor agrees not to assert any claim that the original filing of the Global Claim or prosecution thereof constituted the filing of a Lien, Reclamation Claim or 503(b)(9) Claim within the meaning of the Trade Agreement.
5. The Twenty-First Omnibus Claims Objection shall be resolved solely with respect to Claim No. 737.
6. Each person who executes this Stipulation by or on behalf of the Parties warrants and represents that such person has been duly authorized and empowered to execute and deliver this Stipulation on behalf of that Party.
7. This Stipulation may be signed in counterparts and by facsimile or electronic signature for purposes of ECF filing.

8. The Bankruptcy Court shall retain jurisdiction to hear any matters or disputes arising from or relating to this Stipulation.

AGREED TO AND APPROVED FOR ENTRY:

Dated: October \_\_\_\_, 2017

/s/ Allen J. Guon

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