

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

EXIDE TECHNOLOGIES,

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (KJC)

Related Docket Nos. 3740, 4344

**CERTIFICATION OF COUNSEL REGARDING PROPOSED SECOND ORDER  
SUSTAINING REORGANIZED DEBTOR'S (NON-SUBSTANTIVE) TWENTIETH  
OMNIBUS OBJECTION PURSUANT TO BANKRUPTCY CODE SECTION 502(B),  
BANKRUPTCY RULE 3007, AND LOCAL RULE 3007-1 TO CERTAIN (A) AMENDED  
CLAIMS, AND (B) INSUFFICIENT DOCUMENTATION CLAIMS**

The undersigned hereby certifies the following:

1. On May 29, 2015, the reorganized debtor in the above-captioned case ("Exide" or the "Reorganized Debtor"), filed the *Reorganized Debtor's (Non-Substantive) Twentieth Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 to Certain (A) Amended Claims and (B) Insufficient Documentation Claims* (the "Twentieth Objection") [Docket No. 3740].

2. The deadline to respond to the Twentieth Objection was June 12, 2015 at 4:00 p.m. Eastern Time (the "Response Deadline"). The Response Deadline was extended to July 13, 2015 for Columbus McKinnon Corporation, Columbus McKinnon Limited, and Yale Industrial Products, Inc. (collectively, the "CM Entities" and each a "CM Entity").

3. In the Twentieth Objection, the Debtor objected to certain claims of the CM Entities (the "Original CM Claims")<sup>1</sup> because they had been amended (the "Amended CM

<sup>1</sup> The Original CM Claims are Claim No. 1663 filed by Yale Industrial Products Inc., Claim No. 1662 filed by Columbus McKinnon Corporation, and Claim No. 1658 filed by Columbus McKinnon Limited.

Claims”)<sup>2</sup>. Through the Twentieth Objection, the Debtor sought to eliminate the Original CM Claims and have the Amended CM Claims survive subject to the Debtor’s right to object to the Amended CM Claims.

4. On June 8, 2015, the CM Entities filed the *Reply of Columbus McKinnon Corporation, Columbus McKinnon Limited and Yale Industrial Products, Inc. to Reorganized Debtor’s (Non-Substantive) Twentieth Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 to Certain (A) Amended Claims and (B) Insufficient Documentation Claims* (the “Reply”) [Docket No. 4183]. The Reply sought clarification that the Debtor was not reserving the right to object to the Amended CM Claims on the basis of lateness and sought to confirm that the filing date of the Amended CM Claims would relate back to the filing date of the Original CM Claims.

5. On June 29, 2015, the Court entered the *Order Sustaining Reorganized Debtor’s (Non-Substantive) Twentieth Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 to Certain (A) Amended Claims and (B) Insufficient Documentation Claims* (the “Order”) [Docket No. 4344]. The Order adjourned, *inter alia*, the hearing with respect to the Original CM Claims subject to the Debtor’s right to notice the Original CM Claims for a future hearing.

6. The Debtor subsequently objected to the Amended CM Claims on a substantive basis (no liability) in its *Reorganized Debtor’s (Substantive) Twenty-Seventh Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 to Certain (A) Misclassified Claims, (B) No Liability Claims, (C) Reduce and*

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<sup>2</sup> The Amended CM Claims are Claim No. 4028 filed by Yale Industrial Products Inc., Claim No. 4029 filed Columbus McKinnon Corporation and Claim No. 4030 filed by Columbus McKinnon Limited.

*Allow Claims, and (D) Contingent Contribution Claims* (the “Twenty-Seventh Objection”) [Docket No.4733] filed on December 9, 2016.

7. The CM Entities again requested an extension of time to respond to the Twenty-Seventh Objection and the Debtor agreed to this request.

8. On January 5, 2017, the Court entered the *Order Sustaining Reorganized Debtor’s (Substantive) Twenty-Seventh Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 to Certain (A) Misclassified Claims, (B) No Liability Claims, (C) Reduce and Allow Claims, and (D) Contingent Contribution Claims* [Docket No. 4743] (the “Twenty-Seventh Order”). The Twenty-Seventh Order extended, *inter alia*, the deadline to respond to the Twenty-Seventh Objection for the CM Entities, and continued the hearing with respect to the Amended CM Claims to a date and time to be determined.

9. Despite its efforts to contact the CM Entities, the Debtor did not hear further from CM Entities with respect to either the Twentieth Objection or the Twenty-Seventh Objection.

10. On April 4, 2018, the Reorganized Debtor re-noticed the Twenty-Seventh Objection with respect to the Amended CM Claims [Docket No. 5013].

11. On May 4, 2018, there being no response from the CM Entities, the Debtor filed a Certificate of No Objection with respect to the Twenty-Seventh Objection [Docket No. 5020].

12. On May 8, 2018, the Court entered an order disallowing the Amended CM Claims on the basis that the Debtor had no liability on the Amended CM Claims [Docket No. 5021].

13. On May 16, 2018, the Reorganized Debtor re-noticed the Twentieth Objection (the “Re-Notice of Hearing”) [Docket No. 5028] for a hearing scheduled on June 28, 2018 at 2:30 p.m. (Eastern Time). Responses to the Re-Notice of Hearing were due by May 30, 2018 at 4:00 p.m. (Eastern Time). No answer, objection, or other responsive pleading (other than the Reply) has been received to the Twentieth Objection. The undersigned further certifies that the Court’s docket has been reviewed in this case and no answer, objection, or other responsive pleading to the Re-Notice of Hearing appears thereon and there has been no response from the CM Entities.

14. Attached hereto as Exhibit A is a proposed form of order (the “Proposed Order”) granting the relief requested in the Twentieth Objection with respect to the Original CM Claims.

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

*[Remainder of Page Left Intentionally Blank]*

Dated: June 19, 2018

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-and-

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*/s/ James E. O'Neill*

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*Special Conflicts Counsel for the Reorganized Debtor*

**Exhibit A**

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)  
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Reorganized Debtor.<sup>1</sup> : **Related Docket Nos. 3740, 4344**  
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**ORDER SUSTAINING REORGANIZED DEBTOR’S (NON-SUBSTANTIVE) TWENTY OMNIBUS OBJECTION PURSUANT TO BANKRUPTCY CODE SECTION 502(b), BANKRUPTCY RULE 3007, AND LOCAL RULE 3007-1 TO CERTAIN (A) AMENDED CLAIMS, AND (B) INSUFFICIENT DOCUMENTATION CLAIMS**

Upon the Reorganized Debtor’s (Non-Substantive) Twenty-Seventh Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 To Certain (A) Amended Claims, and (B) Insufficient Documentation Claims (the “Objection”),<sup>2</sup> and it appearing that notice of the Objection was good and sufficient upon the particular circumstances and that no other or further notice need be given; and this Court having considered the Objection and Claim No. 1663 filed by Yale Industrial Products Inc., Claim No. 1662 filed Columbus McKinnon Corporation, and Claim No. 1658 filed by Columbus McKinnon Limited (collectively, the “Claimants”) each listed on Exhibit A to the Objection, the Claimants having filed a response to the Objection on June 8, 2015 [Dkt. No. 4183]; the Reorganized Debtor having re-noticing the Objection for hearing on June 28, 2018 (the “Hearing”) [Dkt. No. 5028]; the Claimants having failed to appear at the Hearing; and upon the Declaration of Holden

<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.

<sup>2</sup> Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Objection.

Bixler in Support of the Reorganized Debtor's (Non-Substantive) Twentieth Omnibus Objection Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 To Certain (A) Amended Claims and (B) Insufficient Documentation Claims; and upon the record herein; and after due deliberation thereon and good and sufficient cause appearing therefor; it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The relief requested in the Objection is GRANTED, as set forth herein.
2. Claim No. 1663 filed by Yale Industrial Products Inc. is hereby disallowed and expunged in its entirety.
3. Claim No. 1662 filed Columbus McKinnon Corporation is hereby disallowed and expunged in its entirety.
4. Claim No. 1658 filed by Columbus McKinnon Limited is hereby disallowed and expunged in its entirety.
5. The Reorganized Debtor's objection to each Claim addressed in this Order constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each claim. Any stay of this Order pending appeal by any of the Claimants subject to this Order shall only apply to the contested matter which involves such Claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other contested matters covered hereby.
6. The Reorganized Debtor shall retain and shall have the right to object in the future to any of the proofs of claim on any additional grounds, and to seek to amend, modify, and/or supplement this Order as may be necessary. In addition, the Reorganized Debtor's rights are reserved to file future objections to Claims asserted in proofs of claim that have been or may



subsequently be filed in the Chapter 11 Case, or Claims that may be listed on the Schedules, on the grounds set forth herein or any other appropriate grounds that bankruptcy and non-bankruptcy law permits.

7. Nothing contained herein shall constitute, nor shall it be deemed to constitute, the allowance of any Claim asserted against the Debtor or Reorganized Debtor, including, but not limited to the Disputed Claims.

8. This Court shall retain jurisdiction over the Debtor, the Reorganized Debtor, and the Claimants whose Disputed Claims are subject to the Objection with respect to any matters related to or arising from the Objection or the implementation of this Order.

9. The Reorganized Debtor is authorized and empowered, to execute and deliver such documents, and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

10. The Reorganized Debtor's Claims and Noticing Agent, Garden City Group, LLC, is hereby directed to serve this Order, including any relevant exhibits, and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

Dated: \_\_\_\_\_, 2018  
Wilmington, Delaware

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THE HONORABLE KEVIN J. CAREY  
UNITED STATES BANKRUPTCY JUDGE