

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

In re:

EXIDE TECHNOLOGIES,¹

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (KJC)

**Related Docket Nos. 2260, 3553, 3572, 3573, 3735,
3739**

**CERTIFICATION OF COUNSEL REGARDING PROPOSED ORDER SUSTAINING
REORGANIZED DEBTOR'S OBJECTIONS TO CERTAIN INSUFFICIENT
DOCUMENTATION, NO LIABILITY, PREVIOUSLY DISCHARGED, AND
MISCLASSIFIED FORMER EMPLOYEE CLAIMS**

The undersigned hereby certifies the following:

1. The Debtor and the Reorganized Debtor, in the above-captioned case, filed omnibus objections to certain Disputed Claims in the following Objections:² (i) Debtor's (Non-Substantive) Eleventh Omnibus Objection [Docket No. 2260]; (ii) Reorganized Debtor's (Non-Substantive) Fifteenth Omnibus Objection [Docket No. 3553]; (iii) Reorganized Debtor's (Substantive) Sixteenth Omnibus Objection [Docket No. 3572]; (iv) Reorganized Debtor's (Substantive) Seventeenth Omnibus Objection [Docket No. 3573]; (v) Reorganized Debtor's (Substantive) Eighteenth Omnibus Objection [Docket No. 3735]; and (vi) Reorganized Debtor's (Substantive) Nineteenth Omnibus Objection [Docket No. 3739].

2. The Debtor and the Reorganized Debtor received responses to the Objections.

¹ 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.

² Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Objections.

3. The Reorganized Debtor filed replies in support of the Objections.

4. A hearing was held on November 29, 2018 at 10:00 a.m. (the "Hearing").

5. At the Hearing, the Court granted the relief requested by the Reorganized Debtor, except as to claimant Willie James Jones Jr. and requested the Reorganized Debtor submit a proposed order consistent with the Court's ruling.

6. Attached hereto as Exhibit 1 is a proposed form of order (the "Proposed Order") granting the relief requested by the Reorganized Debtor, except as to claimant Willie James Jones Jr.

[Remainder of Page Left Intentionally Blank]

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

Dated: November 29, 2018

FOX ROTHSCHILD LLP
Robert M. Fishman
Allen J. Guon
Christina M. Sanfelippo
321 N. Clark Street, Suite 800
Chicago, IL 60654
Telephone: (312) 541-0151
Facsimile: (312) 980-3888
Email: rfishman@foxrothschild.com
aguon@foxrothschild.com
csanfelippo@foxrothschild.com

Counsel for the Reorganized Debtor

-and-

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

Laura Davis Jones (Bar No. 2436)
James E. O'Neill (Bar No. 4042)
919 N. Market Street, 17th Floor
Wilmington, DE 19801
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
Email: ljones@pszjlaw.com
joneill@pszjlaw.com

Special Conflicts Counsel for the Reorganized Debtor

Exhibit 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

----- X
:
In re: : Chapter 11
:
EXIDE TECHNOLOGIES, : Case No. 13-11482 (KJC)
:
Reorganized Debtor.¹ : Related Docket Nos. 2260, 3553, 3572, 3573, 3735,
: 3739
:
----- X

**ORDER SUSTAINING REORGANIZED DEBTOR'S OBJECTIONS TO CERTAIN
INSUFFICIENT DOCUMENTATION, NO LIABILITY, PREVIOUSLY DISCHARGED,
AND MISCLASSIFIED FORMER EMPLOYEE CLAIMS**

Upon the Debtor's and the Reorganized Debtor's omnibus objections² pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007 and Local Rule 3007-1 to certain insufficient documentation, no liability, previously discharged, and misclassified former employee claims (the "Objections"),³ and it appearing that notice of the Objections was good and sufficient upon the particular circumstances and that no other or further notice need be given; and this Court having considered the Debtor's and Reorganized Debtor's Objections to the Disputed Claims as identified in Exhibits A, B and C, all responses thereto filed by the Claimants, and the Reorganized Debtor's replies and declarations in support of the Objections

¹ 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.

² This Order covers the Debtor's and Reorganized Debtor's omnibus objections to certain Disputed Claims in the following Objections: (i) Debtor's (Non-Substantive) Eleventh Omnibus Objection [Docket No. 2260]; (ii) Reorganized Debtor's (Non-Substantive) Fifteenth Omnibus Objection [Docket No. 3553]; (iii) Reorganized Debtor's (Substantive) Sixteenth Omnibus Objection [Docket No. 3572]; (iv) Reorganized Debtor's (Substantive) Seventeenth Omnibus Objection [Docket No. 3573]; (v) Reorganized Debtor's (Substantive) Eighteenth Omnibus Objection [Docket No. 3735]; and (vi) Reorganized Debtor's (Substantive) Nineteenth Omnibus Objection [Docket No. 3739].

³ Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Objections.

[Docket Nos. 5082, 5091], the Reorganized Debtor having re-noticed the Objections for hearing September 17, 2018 and October 19, 2018 [Docket Nos. 5083, 5028]; 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 Objections is GRANTED, as set forth herein.
2. Claim No. 1774 filed Rachel Clay is hereby reclassified as a general unsecured claim in the amount of \$51,411.77 for the reasons set forth in Exhibit A.
3. Each Claim set forth in Exhibit B is disallowed and expunged in its entirety for the reasons set forth in the column entitled "Reason for Disallowance."
4. Each Claim set forth in Exhibit C is disallowed and expunged in its entirety for the reasons set forth in the column entitled "Reason for Disallowance."
5. The Debtor's Objection to Claim No. 911 filed by Willie Jones, Jr. is continued to a date to be determined.
6. 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.
7. 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.

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

THE HONORABLE KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

79500085.v1

EXHIBIT A

Claimant	Claim No.	Claim	Omnibus Objection	Objection	Claimant's Response	Reason for Reclassification
Clay, Rachel	1774	Claimant asserts a priority claim under an Income Protection Agreement under 11 U.S.C. § 507(a)(4) in the amount of \$51,411.77.	Nineteenth [Doc. 3739]	Claimant is not entitled to priority status under the Bankruptcy Code.	Claimant asserts full amount due under Income Protection Plan is entitled to priority under 11 U.S.C. § 507(a)(4). [[Informal Response]]	Claimant's priority claim under 11 U.S.C. § 507(a)(4) was paid in full in July 2013 pursuant to Wage Orders (See Dkt. Nos. 65, 319). Accordingly, the remaining balance due Claimant should be allowed as a general unsecured claim in the amount of \$51,411.77.

EXHIBIT B

Claimant	Claim No.	Claim	Omnibus Objection	Objection	Claimant's Response	Reason for Disallowance
Coleman, Jerry	1026	Claimant asserts a priority claim for "unpaid severance/wages" under 11 U.S.C. § 507(a)(4) in the amount of \$3,150.	Fifteenth [Doc. 3553]	Insufficient Documentation.	Did not receive severance pay or other compensation upon termination of employment. [Doc. 3607]	No Liability. Claimant was paid in full for all wages owed on account of his employment with Debtor and no amounts due Claimant in connection with former employment.
Prude, Michael	2394	Claimant asserts a priority claim for services performed and severance pay under 11 U.S.C. § 507(a)(4) in the amount of \$12,475.	Fifteenth [Doc. 3553]	Insufficient Documentation.	Claimant acknowledges that he last worked for GNB in 1989. [Doc. 3618]	No Liability. Claimant last worked at GNB in 1989 and Debtor has no record of employing Claimant. Any potential claim released and discharged in 2002 Chapter 11 Case.
Rodriguez, Reynaldo	1527	Claimant asserts a priority claim under 11 U.S.C. § 507(a)(4) in the amount of \$20,400.	Fifteenth [Doc. 3553]	Insufficient Documentation.	Claimant asserts he signed a severance agreement with Debtor. [Doc. 3617]	No Liability. Claimant was last employed by Debtor in 2014 and, therefore, Claim not entitled to priority treatment under § 507(a)(4). Debtor has no record of entering severance agreement with Claimant.
Smith, Jr., Don F.	1401	Claimant asserts a general unsecured claim for "wages, salaries and compensation (income protection plan)" in the amount of \$6,292.77.	Nineteenth [Doc. 3739]	No Liability.	Claimant asserts that \$6,292.77 is due pursuant to Income Protection Agreement November 15, 2001. [Doc. 4252]	No Liability. Asserted Claim released and discharged in 2002 Chapter 11 Case.

EXHIBIT C

Claimant	Claim No.	Claim	Unambiguous Objection	Objection	Claimant's Response	Reason for Disallowance
Cannon, Jr., James	1993	Claimant asserts an unliquidated priority claim under 11 U.S.C. § 507(a)(4) and (5).	Eleventh [Doc. 2260]	Insufficient Documentation.	Claimant asserts an entitlement to "all appropriate pension plan benefits." [Doc. 2328]	Per Paragraph BB of the Confirmation Order and Article 16.6(c) of the Plan, the Reorganized Debtor shall continue the pension and retiree benefits. No Liability exists on the Books and Records. Claimant's claim was satisfied in full by the Pension Plan. Claimant received a lump sum payment from the Pension Plan on or about December 1, 2017 in the amount of \$34,002.11
Coddington, Roger	1656	Claimant asserts a priority claim under 11 U.S.C. § 507(a)(5) in the amount of \$21,302.40.	Sixteenth [Doc. 3572]	No Liability Employee or Retiree Claim.	Claimant asserts an entitlement to a monthly benefit from the Pension Plan in the amount of \$21,302.40 or \$177.52 per month for 120 months. [Doc. 3632]	Per Paragraph BB of the Confirmation Order and Article 16.6(c) of the Plan, the Reorganized Debtor shall continue the pension and retiree benefits. No Liability exists on the Books and Records. Claimant's claim was satisfied in full by the Pension Plan. Claimant received a lump sum payment from the Pension Plan on or about December 1, 2017 in the amount of \$24,030.26
Connor, Willard	1052	Claimant asserts a secured claim for pension benefits in the estimated amount of \$33,000.	Sixteenth [Doc. 3572]	No Liability Employee or Retiree Claim.	Unknown, but it appears from the proof of claim that Claimant asserts an entitlement to a monthly benefit from the Pension Plan in the amount of \$179.91 [Doc. 3641]	Claimant deferred receiving benefits under the Pension Plan until a later date.
Horn, Francis	1744	Claimant asserts a priority claim under 11 U.S.C. § 507(a) for retirement benefits in the amount of \$113.88 per month.	Fifteenth [Doc. 3553]	Insufficient Documentation.	Claimant asserts an entitlement to a monthly benefit from the Pension Plan in the amount of \$113.88. [Doc. 4253]	Per Paragraph BB of the Confirmation Order and Article 16.6(c) of the Plan, the Reorganized Debtor shall continue the pension and retiree benefits. No Liability exists on the Books and Records. Claimant is currently receiving monthly retiree benefits from the Pension Plan in the amount of \$113.88.
Pearson, Melvin	2182	Claimant asserts a priority claim under 11 U.S.C. § 507(a)(5) in an unliquidated amount for pension and retirement.	Fifteenth [Doc. 3553] and Eighteenth [Doc. 3735]	Insufficient Documentation (Fifteenth); No Liability Employee or Retiree Claim (Eighteenth).	Unknown.	Per Paragraph BB of the Confirmation Order and Article 16.6(c) of the Plan, the Reorganized Debtor shall continue the pension and retiree benefits. No Liability exists on the Books and Records. Claimant is currently receiving monthly retiree benefits from the Pension Plan in the amount of \$143.55.