

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

In re:

EXIDE TECHNOLOGIES,

Reorganized Debtor.¹

Chapter 11

Case No. 13-11482 (MFW)

Proposed Hr’g Date: On or Before Aug. 14, 2019
Proposed Obj. Deadline: Aug. 13, 2019 at 4 p.m. (ET)

Ref. Docket No. 5207

**MOTION OF THE REORGANIZED DEBTOR FOR ENTRY OF AN ORDER
SHORTENING NOTICE AND OBJECTION PERIODS IN CONNECTION WITH THE
REORGANIZED DEBTOR’S EMERGENCY MOTION FOR ENTRY OF AN ORDER
(I) ENFORCING THE DISCHARGE AND PLAN INJUNCTION UNDER THE
CONFIRMATION ORDER AND THE CONFIRMED PLAN OF REORGANIZATION
AND (II) DEEMING THE JULY 19, 2019 LETTER OF THE STATE OF CALIFORNIA
DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO BE *VOID AB INITIO***

Exide Technologies, the reorganized debtor in the above-captioned case (the “Reorganized Debtor,” before the effective date of the chapter 11 plan of reorganization confirmed by the Court, the “Debtor,” and the Reorganized Debtor, the Debtor or Exide prior to its bankruptcy filing, as the context requires, “Exide”), hereby moves (this “Motion to Shorten”) this Court to shorten the notice and objection periods in connection with the *Reorganized Debtor’s Emergency Motion for Entry of an Order (I) Enforcing the Discharge and Plan Injunction Under the Confirmation Order and the Confirmed Plan of Reorganization and (II) Deeming the July 19, 2019 Letter of the State of California Department of Toxic Substances Control to be Void Ab Initio* (the “Emergency Motion”) [D.I. 5207],² which is incorporated herein as if set forth in full. In support of this Motion to Shorten, Exide respectfully states as follows:

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 Capitalized terms not otherwise defined in this Motion to Shorten have the meanings ascribed to them in the Emergency Motion.

PRELIMINARY STATEMENT³

1. Exide's Plan of Reorganization, confirmed on March 27, 2015, set out a heavily negotiated process for Exide and the DTSC to deal with the closing of Exide's plant in Vernon California and related environmental issues. After tremendous, multi-party negotiations, the DTSC and Exide agreed on a process, a timeline and dispute resolution mechanisms for addressing related environmental issues. Since that time, Exide has met all of its deadlines and obligations under that agreement. Now, the DTSC has inexplicably changed course, violating its agreements and this Court's prior orders, including the Confirmation Order.

2. The DTSC failed to comply with its agreed deadlines and has now boxed Exide into a corner by sending an improper demand letter, improperly assessing penalties against Exide and circumventing Exide's court-approved protections under the parties' settlement. Worse, they have set an artificial deadline to respond to its Demand Letter—Monday, August 19, 2019. The Improper Response Deadlines circumvent the parties' agreed-upon schedule and necessitated this Motion to Shorten and the Emergency Motion to enforce this Court's prior orders. If the Improper Response Deadlines pass before this Court can rule upon the Emergency Motion, Exide will be extremely prejudiced in that it may, among other things, be accused of waiving certain rights and arguments in future actions or discussions with the DTSC—robbing Exide of the court-approved protections embedded in the parties' settlement, which were foundational to the settlement itself.

3. Exide is seeking a hearing on the Emergency Motion on shortened notice prior to the deadline unnecessarily imposed by the DTSC and to request that the Court enforce the injunction and discharge granted under the confirmed Plan.

³ Capitalized terms not otherwise defined in this Preliminary Statement shall have the meanings set forth below.

4. As Exide has complied with its deadlines and the DTSC has not complied with any of its agreed upon obligations as set forth below, the sudden imposition of short timelines for Exide to act is inconsistent with the time that the DTSC has allowed to elapse since Exide's timely filing of its draft Residential RFI Report (as defined and discussed below), such that any argument that the DTSC would be prejudiced by the Court shortening time is unfathomable. As a form of alternative relief, Exide requests that, in the event the Court's schedule cannot accommodate a hearing in advance of the Improper Response Deadlines, the Court enter a bridge order maintaining the status quo until the Court can consider the Emergency Motion.

JURISDICTION AND VENUE

5. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334, the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012, Article XIV of the Plan, and paragraphs 55 and 67 of the Confirmation Order.⁴ This is a core proceeding under 28 U.S.C. § 157(b) and, pursuant to Local Rule 9013-1(f) of the *Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware* (the "Local Rules"), Exide consents to the entry of a final judgment or order with respect to the Motion to Shorten, if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

6. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

⁴ Paragraph 67 of the Confirmation Order provides: "Notwithstanding any other provision of the Plan or this Confirmation Order, the Bankruptcy Court shall retain jurisdiction, but not exclusive jurisdiction, to determine whether environmental Claims brought by governmental units against the Reorganized Debtor are barred by the Plan and Section 1141 of the Bankruptcy Code."

7. The statutory bases for the relief requested by this Motion to Shorten are Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rules 9006-1(c) and 9006-1(e).

BACKGROUND

8. On June 10, 2013 (the “Petition Date”), Exide filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq., in the United States Bankruptcy Court for the District of Delaware (the “Court”).

9. On November 6, 2014, Exide filed a motion for entry of an order authorizing and approving the Debtor’s entry into that certain *Stipulation and Order with the State of California Department of Toxic Substances Control* (as amended, the “2014 Stipulation and Order”) [D.I. 2591].

10. On November 20, 2014, the Court entered an order authorizing and approving the 2014 Stipulation and Order [D.I. 2651].

11. On November 21, 2014, Exide and the State of California Department of Toxic Substances Control (the “DTSC”) executed the 2014 Stipulation and Order. Thereafter, the 2014 Stipulation and Order was amended twice, first in 2015 and again in 2016.

12. In the 2014 Stipulation and Order, Exide and the DTSC agreed to settle a variety of disputes, including continuing the scope of Exide’s obligations at a facility owned and formerly operated by Exide (the “Vernon Facility”) under the Corrective Action Consent Order, dated February 25, 2002, issued by the DTSC (the “CACO”) and establishing the investigation process and interim measures for alleged Off-Site Residential Contamination (as defined in the CACO).

The terms of the CACO govern Exide's investigative and corrective action at the Vernon Facility, and do not address the Debtor's liability, if any, for Off-Site Residential Contamination.⁵

13. On March 27, 2015, the Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming the Fourth Amended Plan of Reorganization of Exide Technologies* [D.I. 3423] (the "Confirmation Order"). The confirmed plan of reorganization (the "Plan") relied, in part, upon the settlement achieved through the 2014 Stipulation and Order. The DTSC did not object to the Plan.

14. On April 30, 2015 (the "Effective Date"), the Debtor substantially consummated the Plan and emerged from chapter 11 as a newly reorganized company. Accordingly, as of the Effective Date, the Plan, including the discharge and the injunction, became binding on all parties in interest.

15. As more fully described in the Emergency Motion, the 2014 Stipulation and Order addresses certain properties that were not investigated or remediated during the first five years.

16. In relevant part, the 2014 Stipulation and Order required that no later than May 21, 2019, Exide was to submit its Residential Corrective Measures Study (the "Residential CMS"). As a predicate to the preparation of the Residential CMS, the DTSC also required the preparation of a Residential RCRA Facility Investigation Report (the "Residential RFI Report"). Prior to the preparation of the Residential RFI Report, the DTSC required the preparation of a work plan to conduct the investigation, the result of which would be embodied in the Residential RFI Report (the "Residential RFI Work Plan").

⁵ Section 1.2 of the CACO defines the "Facility" as "a hazardous waste treatment and storage facility located at 2700 Indiana Avenue, Vernon, California 90058," i.e., the Vernon Facility.

17. On June 6, 2018, Exide timely submitted its Residential RFI Work Plan to the DTSC.

18. On July 6, 2018, the DTSC conditionally approved the Residential RFI Work Plan. Thereafter, Exide's environmental consultants proceeded to conduct the Residential RFI Report investigation in accordance with the work plan and the DTSC's conditional approval.

19. Exide and the DTSC agreed upon a schedule for the exchange of drafts and final approval of the Residential RFI Report. Specifically, Exide and the DTSC established the following deadlines in anticipation of Exide filing its Residential Corrective Measures Study on May 21, 2019:

- October 24, 2018 – Exide submits draft Residential RFI Report—*Exide met this deadline.*
- November 21, 2018 – the DTSC reviews the draft Residential RFI Report and submits comments to Exide for consideration—*the DTSC did not meet this deadline.*
- December 19, 2018 – Exide submits a draft final Residential RFI Report to the DTSC—*Exide met this deadline.*
- January 2, 2019 – the DTSC approves the final Residential RFI Report—*the DTSC did not meet this deadline.*
- May 21, 2019 – Exide submits the final Residential CMS—*Exide met this deadline.*

20. On October 24, 2018, in accordance with the agreed-upon schedule, Exide submitted its draft Residential RFI Report. The document was prepared by GeoSyntec Consultants (“GeoSyntec”), a well-established and reputable scientific consulting company.⁶

⁶ See Residential RCRA Facility Investigation, Report Draft (October 24, 2018) (available at https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/8429692149/2018.10.24%20Draft%20Residential%20RFI%20Report%20Text.pdf).

21. On November 21, 2018, rather than sending comments to the draft Residential RFI Report, the DTSC sent a letter to Exide acknowledging receipt of the draft report stating that it was “working diligently to complete its review of the Draft Report and respond to Exide.”

22. However, contrary to the DTSC’s commitment to provide comments to Exide’s draft report in accordance with the agreed-upon schedule, and contrary to the DTSC’s repeated promise to do so in its November 21, 2018 letter, the DTSC failed to provide any comments to the draft report.

23. In the months between October 24, 2018 and May 21, 2019, Exide requested that the DTSC provide comments on the draft Residential RFI Report on a near weekly basis.

24. On May 21, 2019, in accordance with the 2014 Stipulation and Order, Exide timely submitted the draft Residential CMS, notwithstanding the lack of comments from the DTSC.

25. On June 13, 2019, in accordance with the 2014 Stipulation and Order, Exide timely filed its final Residential RFI Report, notwithstanding the lack of comments from the DTSC.⁷

26. On July 19, 2019, the DTSC sent the letter titled *DTSC’S REJECTION OF EXIDE’S DRAFT RESIDENTIAL RCRA FACILITY INVESTIGATION REPORT AND RESIDENTIAL CORRECTIVE MEASURES STUDY REPORT; SUMMARY OF VIOLATIONS AND STIPULATED PENALTIES*, dated July 18, 2019⁸ (together with all attachments thereto and actions described therein, the “Demand Letter”). The Demand Letter alleged for the first time that

⁷ When Exide submitted its final Residential RFI Report on June 13, 2019, it took the position that the DTSC’s months-long delay in providing comments to the previously-submitted draft Residential RFI Report operated as a waiver of the DTSC’s rights to comment on the document and submitted it as a final version.

⁸ The DTSC initially sent Reorganized Exide a letter dated July 18, 2019 which consisted of 53 pages. The DTSC then sent another letter on July 19, 2019, consisting of 76 pages, which was also dated July 18, 2019. As clarified in the DTSC Response Letter (as defined below) dated July 31, 2019, the DTSC omitted an attachment from the letter transmitted on July 18, 2019, and the letter transmitted on July 19, 2019 was intended to be a corrected version. As used in this Motion, “Demand Letter” refers to the DTSC’s 76-page letter dated July 18, 2019 and transmitted to Reorganized Exide on July 19, 2019.

Exide had failed to meet its obligations under the 2014 Stipulation and Order with regard to the Residential RFI Report and the Residential CMS.⁹

27. Critically for purposes of the Emergency Motion, the Demand Letter also reflects the DTSC's intention to "modify the Residential RFI Work Plan, complete all necessary work, and modify the Residential RFI Report." The Demand Letter also purports to impose penalties on Exide of \$240,000, and imposed an artificial 30-day deadline on Exide to address the Demand Letter's concerns which will occur on Monday, August 19, 2019¹⁰ and purports to trigger the deadline imposed in the 2014 Stipulation and Order which would require Exide "to contest the penalties in an appropriate California forum within thirty (30) calendar days of the date of the demand for payment of stipulated penalties by the Department" (the deadline to respond and the

⁹ The Demand Letter alleges that Exide committed 24 violations of the CACO and the 2014 Stipulation and Order. Each of the 24 alleged violations arise out of purported methodological disagreements with the scientific investigation of environmental conditions in the residential investigation area, performed by Exide's consultant, GeoSyntec, as part of the residential investigation effort. GeoSyntec's scientific investigation in the residential investigation area culminated in the preparation of the draft Residential RFI Report and the draft Residential CMS. These reports reached conclusions regarding the sources of Contaminants of Concern in the residential soils in the RIA, which is comprised of homes, schools, parks and other properties located within a radius of approximately 1.7 miles from Exide's former Vernon Facility. The DTSC's 24 alleged violations primarily arise out of two technical issues that Exide addressed in the draft Residential RFI Report. Specifically, the DTSC alleges that (i) Exide has not conducted "background" calculations correctly and (ii) Exide has not properly accounted for statistical outliers in its reporting. These two allegations act as the foundation for 20 of the 24 alleged violations asserted by the DTSC against Exide. In the remaining four alleged violations, the DTSC asserts that the RFI failed to address the proper question in its draft Residential RFI Report and failed to address certain data gaps.

¹⁰ Paragraph 37 of the 2014 Stipulation and Order provides Exide a 30-day period in which to challenge the imposition of properly assessed stipulated penalties. Because the stipulated penalties identified in the Demand Letter were not properly assessed under the 2014 Stipulation and Order, Exide should not be required to challenge them within the period identified in the Demand Letter. However, the Demand Letter goes far beyond just the imposition of stipulated penalties, and purportedly gives Exide 30 days in which to challenge "any DTSC decision discussed" in the Demand Letter. There is no basis in the 2014 Stipulation and Order for requiring Exide to challenge the other issues raised in the Demand Letter within 30 days.

deadline to initiate suit, together, the “Improper Response Deadlines”).¹¹ Each of these actions is in contravention of the 2014 Stipulation and Order.

28. On July 24, 2019, Exide sent the DTSC a letter, titled *Response Letter (Erroneously) Dated July 18, 2019 Regarding DTSC’s Rejection of Exide’s Draft Residential RCRA Facility Investigation Report and Residential Corrective Measures Study Report; Summary of Violations and Stipulated Penalties* (the “Exide Response Letter”) detailing certain ways in which the Demand Letter violates the 2014 Stipulation and Order, the Confirmation Order, and the Plan, demanding that the DTSC withdraw the Demand Letter, and seeking a response by July 29, 2019.¹²

29. On July 31, 2019, the DTSC responded to the Exide Response Letter by a letter titled *RESPONSE TO EXIDE TECHNOLOGIES’ JULY 24, 2019 LETTER OBJECTING TO DTSC’S RESPONSE TO EXIDE’S DRAFT RESIDENTIAL RCRA FACILITY INVESTIGATION REPORT AND RESIDENTIAL CORRECTIVE MEASURES STUDY REPORT, SUMMARY OF VIOLATIONS, AND STIPULATED PENALTIES* (the “DTSC Response Letter”), and thereby refused to withdraw the Demand Letter, notwithstanding the clear terms of the governing documents and this Court’s Confirmation Order.¹³ On August 5, 2019, Exide made one last

¹¹ The deadline to initiate suit under paragraph 37 of the 2014 Stipulation and Order would occur on Sunday, August 18, 2019 but for paragraph 63, which provides as follows: “[i]f a date for compliance of an obligation by Exide falls on weekend or holiday, the obligation shall be due on the next business day.” [D.I. 2651-1 at 48.]

¹² Exide’s counsel sent the DTSC the Exide Response Letter on July 24, 2019 in an attempt to informally resolve the Demand Letter. The 2014 Response Letter explained that the Demand Letter was unlawful as being issued in violation of the 2014 Stipulation and Order. The Exide Response Letter further explained that the DTSC lacked authority to impose the purported stipulated penalties described in the Demand Letter.

¹³ The DTSC contested the material positions taken by Exide in the Exide Response Letter and refused to withdraw the Demand Letter.

attempt to clarify the DTSC Response Letter to avoid having to file this Motion to Shorten, but Exide received no response.

30. Accordingly, Exide filed the Emergency Motion, which requests an order of this Court (i) enforcing the discharge and injunction provisions of the confirmed Plan and the Confirmation Order, and (ii) enforcing the Court-approved 2014 Stipulation and Order which requires, among other things, that claims relating to alleged Off-Site Residential Contamination, if any, are limited to and subject to the express terms of the dispute resolution and other provisions of the 2014 Stipulation and Order.

RELIEF REQUESTED

31. The Reorganized Debtor respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A**: (a) shortening the notice and objection periods for approval of the relief sought by the Emergency Motion, pursuant to Bankruptcy Rule 9006 and Local Rules 9006-1(c) and 9006-1(e); (b) setting the hearing on the relief sought by the Emergency Motion on or before August 14, 2019 at a time that is convenient for the Court (the “**Proposed Hearing**”); (c) if the Proposed Hearing is set on or before August 14, 2019, requiring that any objections to the relief sought by the Emergency Motion must be filed by 4:00 p.m. (prevailing Eastern Time) the day prior to the Proposed Hearing; (d) or, alternatively, if the Court is unable to accommodate the timeline proposed above, (x) scheduling a hearing on the Emergency Motion for as soon as it is convenient for the Court, and (y) entering a bridge order tolling and extending any and all obligations and deadlines that are or may become applicable under the 2014 Stipulation and Order and, to the extent applicable, the CACO, including the Improper Response Deadlines, until such

time as the Court is able to rule on the Emergency Motion;¹⁴ and (e) granting such other and further relief as the Court may find just and equitable.

BASIS FOR RELIEF REQUESTED

32. Local Rule 9006-1(c) requires that all motion papers be filed and served at least fourteen (14) days prior to a hearing date scheduled for such motion, unless the Bankruptcy Rules state otherwise. See Del. Bankr. L.R. 9006-1(c).

33. Local Rule 9006-1(e) permits scheduling on shortened notice on written motion specifying the exigencies justifying such request. See Del. Bankr. L.R. 9006-1(e). Should the Court grant this Motion to Shorten, Exide requests that the Court consider the Emergency Motion at the Proposed Hearing or such other date that is convenient for the Court's schedule, provided, however, that if such date occurs after the Improper Response Deadlines, that the Court enter a tolling and extending any and all obligations and deadlines that are or may become applicable under the 2014 Stipulation and Order and, to the extent applicable, the CACO, including the Improper Response Deadlines, until such time as the Court is able to rule on the Emergency Motion.

34. There is ample cause to grant this Motion to Shorten. Not only has the DTSC ignored all deadlines applicable to it in connection with the 2014 Stipulation and Order, through the Demand Letter, the DTSC also has improperly imposed the deadline of Monday, August 19,

¹⁴ Exide is seeking a bridge order akin to the types of orders this Court has determined are necessary under certain circumstances and which this Court has formalized in Local Rule 9006-2. Here, as set forth in this Motion to Shorten, cause exists to grant similar relief to Exide in the event that the Court's schedule does not accommodate a ruling on the Emergency Motion on or before August 14, 2019 to avoid severe prejudice to the Reorganized Debtor.

2019 for Exide to respond to the Demand Letter *and* initiate suit in California, which does not comport with the timeline agreed upon by the parties. If the Improper Deadlines are not tolled pending this Court's ability to rule on the Emergency Motion, Exide would be severely prejudiced, by, among other things, risking a waiver of its rights to protest the DTSC's wrongful actions.

35. Further, the Demand Letter violates the 2014 Stipulation and Order because the DTSC has failed to comply with the mandatory dispute resolution procedures contained therein with respect to the procedures for establishing "urban background" for use in preparing the technical reports the DTSC purports to reject in its Demand Letter, the DTSC's purported decision to "reject" Exide's Residential RFI Report and Residential CMS Report is not permitted by the 2014 Stipulation and Order, and the DTSC has not satisfied the mandatory conditions precedent to assessing stipulated penalties on Exide. The Debtor and the DTSC negotiated for—and the 2014 Stipulation and Order and Confirmation Order provide that—all claims relating to alleged Off-Site Residential Contamination arising before September 30, 2014 were discharged, except as provided in the 2014 Stipulation and Order. Because the Demand Letter was issued in violation of the 2014 Stipulation and Order, it represents an improper attempt to collect on discharged claims. As such, by the Emergency Motion, Exide asks this Court to enforce the discharge injunction under the Debtor's plan of reorganization and declare that the Demand Letter is *void ab initio*.

36. Unlike Exide, the DTSC will not be prejudiced if this Motion to Shorten is granted. Exide has been in frequent contact with the DTSC regarding the Demand Letter and the Improper Response Deadlines, and thus, the DTSC has had ample notice of Exide's positions. Exide even attempted to reach out to the DTSC one last time before being forced to file this Motion to Shorten, but received no response. Additionally, while Exide has met all of its obligations and deadlines

under the schedule agreed upon between Exide and the DTSC, the DTSC has not met a single one of the negotiated deadlines. After having let months go by without engaging in the process it negotiated and this Court approved, the DTSC cannot now, in continuing violation of the 2014 Stipulation and Order and the Confirmation Order, create an unnecessary emergency to which Exide must respond. In light of the above, the DTSC will not be prejudiced if the Emergency Motion is heard on an immediate and expedited basis, and any purported prejudice alleged by the DTSC is far outweighed by the prejudice that Exide will suffer if the Improper Response Deadlines lapse prior to this Court having an opportunity to rule on the Emergency Motion.

37. Finally, as discussed in the Emergency Motion, Exide is seeking very narrow relief—the enforcement of the discharge and injunction set forth in the confirmed Plan, and a determination that the Demand Letter is *void ab initio* due to its violation of the 2014 Stipulation and Order. Due the narrowly crafted relief Exide is seeking through the Emergency Motion, shortening time is appropriate, and as demonstrated above, necessary.

38. Local Rule 9006-1(c) requires that the objection deadline with respect to motions be scheduled to permit all objections to be filed and served at least seven (7) days before the hearing date. However, Exide requests that the Court require that any objections to the relief sought by the Emergency Motion must be filed and served upon counsel for the Reorganized Debtor by 4:00 p.m. (prevailing Eastern Time) the day prior to the scheduled hearing on the Emergency Motion.

39. However, if the Court is unable to accommodate Exide under the proposed timeline, in the alternative, Exide requests that the Court enter a bridge order tolling and extending any and all obligations and deadlines that are or may become applicable with respect to the DTSC,

including the Improper Response Deadlines, until such time as the Court is able to rule on the Emergency Motion.

40. Pursuant to Local Rule 9006-1(e), this Court may rule on this Motion to Shorten without the need for a hearing, and accordingly, Exide requests that this Motion to Shorten be granted without further hearing.

NOTICE

41. Notice of this Motion to Shorten, as well as the Emergency Motion, has been provided to: (a) the DTSC and its counsel; (b) the Office of the United States Trustee for the District of Delaware; (c) counsel to the Exide Creditors' Liquidating Trust; and (d) all parties entitled to notice pursuant to Rule 2002 of the Bankruptcy Rules or Local Rule 2002-1(b).

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WHEREFORE, the Reorganized Debtor respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested by this Motion to Shorten and granting such other and further relief as this Court deems just and proper.

Dated: August 7, 2019
Wilmington, Delaware

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EXHIBIT A

Proposed Order

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

In re:

EXIDE TECHNOLOGIES,

Reorganized Debtor.¹

Chapter 11

Case No. 13-11482 (MFW)

Re: Docket Nos. 5207 & ____

ORDER SHORTENING NOTICE AND OBJECTION PERIODS IN CONNECTION WITH REORGANIZED DEBTOR'S EMERGENCY MOTION FOR ENTRY OF AN ORDER (I) ENFORCING THE DISCHARGE AND PLAN INJUNCTION UNDER THE CONFIRMATION ORDER AND THE CONFIRMED PLAN OF REORGANIZATION AND (II) DEEMING THE JULY 19, 2019 LETTER OF THE STATE OF CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO BE VOID AB INITIO

Upon consideration of the motion (the "Motion to Shorten")² for an order shortening the notice and objection periods regarding the *Motion of the Reorganized Debtor for Entry of an Order Shortening Notice and Objection Periods in Connection with the Reorganized Debtor's Emergency Motion for Entry of an Order (I) Enforcing the Discharge and Plan Injunction Under the Confirmation Order and the Confirmed Plan of Reorganization and (II) Deeming the July 19, 2019 Letter of the State of California Department of Toxic Substances Control to be Void Ab Initio* (the "Emergency Motion"); the Court having reviewed the Motion to Shorten; the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States Bankruptcy Court for the District of Delaware, dated February 29, 2012, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (iv) notice

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 Motion to Shorten.

of the Motion to Shorten being adequate and appropriate under the circumstances; and after due deliberation, and good and sufficient cause having been shown,

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion to Shorten is GRANTED, as set forth herein.
2. The hearing to consider the relief requested by the Emergency Motion shall be held on _____, 2019 at ____:____.m. (prevailing Eastern Time).
3. To the extent that the Emergency Motion is considered on or before August 14, 2019, any objections or responses to the relief requested by Emergency Motion must be filed on _____, 2019 at ____:____.m. (prevailing Eastern Time).
4. To the extent that the Emergency Motion is considered after August 14, 2019, any and all obligations and deadlines that are or may become applicable under the 2014 Stipulation and Order and, to the extent applicable, the CACO, including the Improper Response Deadlines, are hereby tolled and extended, until such time as the Court is able to rule on the Emergency Motion, and the objection deadline for such post-August 14, 2019 hearing shall be set in accordance with the Local Rules.
5. Within one (1) business day after the entry of this Order, Exide shall serve notice of the Emergency Motion on the parties stated and in the manner described in the Motion to Shorten.
6. The Court shall retain jurisdiction with respect to this Order and any issues arising in connection therewith.