

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

In re:

EXIDE TECHNOLOGIES,¹

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (MFW)

Objection Deadline: September 11, 2019 at 4:00 p.m. (ET)

Hearing Date: September 18, 2019 at 2:00 p.m. (ET)

**MOTION OF EXIDE TECHNOLOGIES FOR ENTRY OF ORDER AUTHORIZING
THE REORGANIZED DEBTOR TO EXCEED THE PAGE LIMIT REQUIREMENT
FOR REORGANIZED DEBTOR'S REPLY IN SUPPORT OF THE MOTION
TO DETERMINE EXTENT OF LIABILITY FOR POST-CONFIRMATION
QUARTERLY FEES PAYABLE PURSUANT TO 28 U.S.C. § 1930(A)(6)**

Exide Technologies, the above-captioned reorganized debtor ("Exide" or the "Reorganized Debtor"), files this motion for entry of an order, substantially in the form attached hereto as Exhibit A (the "Order"), authorizing the Reorganized Debtor to exceed the page limit requirement for the *Reorganized Debtor's Reply in Support of the Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the "Reply"). In support of this motion, the Reorganized Debtor respectfully states as follows.

Jurisdiction

1. The United States Bankruptcy Court for the District of Delaware (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 District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding within the meaning of

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

28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution.

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory basis for the relief requested herein is Rule 7007-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

Background

4. On June 12, 2019, the Reorganized Debtor filed the *Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the “Motion”) [Docket No. 5188], *Memorandum of Law in Support of the Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* [Docket No. 5189], and *Notice of Constitutional Challenge to Federal Statute* [Docket No. 5190].

5. On August 5, 2019, the United States Trustee (“UST”) filed the *United States Trustee’s Objection to Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the “UST Objection”) [Docket No. 5204].

6. On August 21, 2019, the Court entered the *Order Approving Amended Stipulated Briefing Schedule Regarding Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the

“Amended Briefing Schedule”) [Docket No. 5233]. The Amended Briefing Schedule scheduled the deadline to file replies to the Motion for August 30, 2019.

7. The Reorganized Debtor’s Reply is being filed concurrently herewith.

Relief Requested

8. By this Motion, Exide requests that the Court enter the Order authorizing the Reorganized Debtor to exceed the page limit requirement for the Reply.

Basis for Relief

9. Local Rule 7007-2 and the General Chambers Procedures, dated March 26, 2018, provide that no response shall exceed thirty (30) pages in length and no reply shall exceed fifteen (15) pages in length. Del. Bankr. L.R. 7007-2(a)(iv); General Chambers Pro. at 3, ¶ 2(a)(vi). However, a response or reply may exceed the page limit with leave of the court.

10. The Reorganized Debtor respectfully submits that authority to exceed the page limitations prescribed by Local Rule 7007-2 and the General Chambers Procedures in connection with the Reply is reasonable and appropriate under the circumstances. The Reply, as filed, exceeds the page limit by twelve (12).

11. The additional pages in the Reply are needed to adequately address issues raised in the UST’s Objection.

12. Accordingly, Exide requests relief from the page limitations of the Local Rules and Chambers Procedures.

WHEREFORE, for the reasons set forth herein, the Reorganized Debtor respectfully requests the Court enter the Order, substantially in the form attached hereto as

Exhibit A, granting the relief requested herein and such other and further relief as the Court deems appropriate.

Dated: August 30, 2019

FOX ROTHSCHILD LLP
Robert M. Fishman
Allen J. Guon
Terence G. Banich
Laura A. Caplin
321 N. Clark Street, Suite 1600
Chicago, IL 60654
Telephone: (312) 517-9200
Facsimile: (312) 517-9201
Email: rfishman@foxrothschild.com
aguon@foxrothschild.com
tbanich@foxrothschild.com
lcaplin@foxrothschild.com

Counsel to 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
P.O. Box 8705
Wilmington, DE 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
Email: ljones@pszjlaw.com
joneill@pszjlaw.com

Special Conflicts Counsel for the Reorganized Debtor

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

In re:

EXIDE TECHNOLOGIES,¹

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (MFW)

Objection Deadline: September 11, 2019 at 4:00 p.m. (ET)

Hearing Date: September 18, 2019 at 2:00 p.m. (ET)

**NOTICE OF MOTION OF EXIDE TECHNOLOGIES FOR ENTRY OF ORDER
AUTHORIZING THE REORGANIZED DEBTOR TO EXCEED THE PAGE LIMIT
REQUIREMENT FOR REORGANIZED DEBTOR'S REPLY IN SUPPORT OF THE
MOTION TO DETERMINE EXTENT OF LIABILITY FOR POST-CONFIRMATION
QUARTERLY FEES PAYABLE PURSUANT TO 28 U.S.C. § 1930(A)(6)**

TO: (a) the Office of the United States Trustee; (b) the United States Attorney General; and
(c) those persons who have requested notice pursuant to Bankruptcy Rule 2002.

PLEASE TAKE NOTICE that on August 30, 2019, Exide Technologies, the above-captioned reorganized debtor ("Exide" or the "Reorganized Debtor"), filed the attached *Motion of Exide Technologies for Entry of Order Authorizing the Reorganized Debtor to Exceed the Page Limit Requirement for Reorganized Debtor's Reply in Support of the Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the "Motion") with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801 (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that any response or objection to the Motion must be filed with the Bankruptcy Court on or before **September 11, 2019 at 4:00 p.m. (Eastern Time)**.

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

PLEASE TAKE FURTHER NOTICE that at the same time, you must also serve a copy of the response or objection upon: (i) special conflicts counsel to the Reorganized Debtor: Pachulski Stang Ziehl & Jones LLP, 919 N. Market Street, 17th Floor, P.O. Box 8705, Wilmington, DE 19899-8705 (Courier 19801), Attn: James E. O'Neill, Esq. (joneill@pszjlaw.com); (ii) counsel to the Reorganized Debtor: Fox Rothschild LLP, 321 N. Clark Street, Suite 1600, Chicago, IL 60654, Attn: Allen J. Guon, Esq. (aguon@foxrothschild.com); and (iii) the Office of the United States Trustee: 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801, Attn: Linda J. Casey, Esq. (linda.casey@usdoj.gov).

PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

[Remainder of Page Left Intentionally Blank]

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE RELIEF SOUGHT IN THE MOTION WILL BE HELD ON **SEPTEMBER 18, 2019 AT 2:00 P.M. (EASTERN TIME) BEFORE THE HONORABLE MARY F. WALRATH, UNITED STATES BANKRUPTCY COURT JUDGE, AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 NORTH MARKET STREET, 5TH FLOOR, COURTROOM NO. 4, WILMINGTON, DELAWARE 19801.**

Dated: August 30, 2019

FOX ROTHSCHILD LLP
Robert M. Fishman
Allen J. Guon
Terence G. Banich
Laura A. Caplin
321 N. Clark Street, Suite 1600
Chicago, IL 60654
Telephone: (312) 517-9200
Facsimile: (312) 517-9201
Email: rfishman@foxrothschild.com
aguon@foxrothschild.com
tbanich@foxrothschild.com
lcaplin@foxrothschild.com

Counsel to 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
P.O. Box 8705
Wilmington, DE 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
Email: ljones@pszjlaw.com
joneill@pszjlaw.com

Special Conflicts Counsel for the Reorganized Debtor

EXHIBIT A

Proposed Order

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

In re:

EXIDE TECHNOLOGIES,¹

Reorganized Debtor.

Chapter 11

Case No. 13-11482 (MFW)

Related Docket No. _____

**ORDER GRANTING MOTION OF EXIDE TECHNOLOGIES FOR ENTRY OF ORDER
AUTHORIZING THE REORGANIZED DEBTOR TO EXCEED THE PAGE LIMIT
REQUIREMENT FOR REORGANIZED DEBTOR'S REPLY IN SUPPORT OF THE
MOTION TO DETERMINE EXTENT OF LIABILITY FOR POST-CONFIRMATION
QUARTERLY FEES PAYABLE PURSUANT TO 28 U.S.C. § 1930(A)(6)**

Upon consideration of the motion (the "Motion to Exceed") of the above-captioned reorganized debtor (the "Reorganized Debtor") for entry of an order (this "Order") authorizing the Reorganized Debtor to exceed the page limit requirement imposed by Local Rule 7007-2(a)(iv) for the *Reorganized Debtor's Reply in Support of the Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (the "Reply"); and due and proper notice of the Motion to Exceed having been given; and it appearing that sufficient cause exists for granting the requested relief, it is hereby ORDERED that:

1. The Motion to Exceed is GRANTED.
2. The Reorganized Debtor is authorized to file the Reply in excess of the

page limitation prescribed by Local Rule 7007-2 and the General Chambers Procedures.

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

3. This Court shall retain jurisdiction with respect to any and all matters arising from or related to the interpretation of this Order