

**United States Bankruptcy Court,  
OF DELAWARE**

**In re EXIDE TECHNOLOGIES**

**Case No. 02-11125**

**DOCUMENTS APPENDED TO CLAIM**

On October 20, 2005, document(s) were appended to Claim No 3580 for the following reason

- Stipulation/Order
- New Supporting Documents
- Change of Address
- Notice of Withdrawal dated October 19, 2005—dkt 5226
- Other

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



02202491062785

YOUR CLAIM IS SCHEDULED AS

UNKNOWN UNSECURED CONTINGENT  
DISPUTED UNLIQUIDATED

Debtor  
**Exide Technologies** MAR 5 2003

Case Number  
**02-11125**

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

**Name of Creditor and Address**  
  
  
 PLAINTIFF ROBERT ABERNATHY *-Camele 29,433*  
 DAVID CARLILE D SCOTT CARLILE BRUCE A CRAIG  
 THE CARLILE LAW FIRM LLP  
 400 SOUTH ALAMO  
 MARSHALL TX 75670

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if this address differs from the address on the envelope sent to you by the court.

The amounts reflected above constitute your claim as scheduled by the Debtor. If you agree with the amounts set forth herein and have no other claim against the Debtor, you do not need to file this proof of claim EXCEPT as stated below. **If the amounts shown above are listed as Contingent, Unliquidated or Disputed, a proof of claim must be filed.** If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

Creditor Telephone Number ( )  
  
 CREDITOR TAX ID #  
**75-2902774**

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

Check here  replaces or amends a previously filed claim dated \_\_\_\_\_ if this claim

- BASIS FOR CLAIM**
- Goods sold
  - Personal injury/wrongful death
  - Services performed
  - Taxes
  - Money loaned
  - Other (describe briefly)

Retiree benefits as defined in 11 U.S.C. § 1114(a)  
 Wages, salaries, and compensation (Fill out below)  
 Your social security number \_\_\_\_\_  
 Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

DATE DEBT WAS INCURRED **8/23/02**  
 TOTAL AMOUNT OF CLAIM \$ **20,000,000.00**  
 DATE OF PETITION **02**

3 IF COURT JUDGMENT DATE OBTAINED  
 \$ \_\_\_\_\_ (secured) \$ \_\_\_\_\_ (unsecured priority) \$ \_\_\_\_\_ (total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.  
 Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**SECURED CLAIM**  
 Check this box if your claim is secured by collateral (including a right of setoff).  
 Brief description of collateral:  
 Real Estate  
 Motor Vehicle  
 Other \_\_\_\_\_  
 Value of collateral \$ \_\_\_\_\_  
 Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ \_\_\_\_\_

**6 UNSECURED PRIORITY CLAIM**  
 Check this box if you have an unsecured priority claim.  
 Specify the priority of the claim:  
 Wages, salaries, or commissions (up to \$4,650) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(1).  
 Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(2).  
 Up to \$2,100 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(3).  
 Alimony, maintenance, or support owed to a spouse, former spouse, or child. 11 U.S.C. § 507(a)(4).  
 Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(5).  
 Other. Specify applicable paragraph of 11 U.S.C. § 507(a) \_\_\_\_\_.  
Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**FILED**  
**APR 25 2003**  
**BMC**

**CREDITS** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.  
**SUPPORTING DOCUMENTS** Attach copies of supporting documents such as promissory notes, purchase orders, invoices, itemized statements of billing, accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS if the documents are not available; explain. If the documents are voluminous, attach a summary.  
**DATE-STAMPED COPY** To receive an acknowledgment of your claim, please enclose a self-addressed stamped envelope and an additional copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 pm, Eastern Time on April 23, 2003.

**BY MAIL TO**  
 Bankruptcy Management Corporation  
 P O BOX 1063  
 El Segundo, CA 90245-1063

**BY HAND OR OVERNIGHT DELIVERY TO**  
 Bankruptcy Management Corporation  
 1330 East Franklin Avenue  
 El Segundo, CA 90245

**THIS SPACE FOR COURT USE ONLY**  
 Exide Technologies  

 03580

DATE SIGNED **4-11-03**  
 SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

MAR

# INSTRUCTIONS FOR FILING PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to the general rules

## DEFINITIONS

### DEBTOR

The person corporation, or other entity that has filed a bankruptcy case is called the debtor

### CREDITOR

A creditor is any person corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed

### PROOF OF CLAIM

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim) This form must be filed with the court appointed Claims Agent, Bankruptcy Management Corporation, at the address listed on the reverse side of this page

Examples of liens are a mortgage on real estate and a security interest in a car truck, boat television set, or other item of property. A lien may have been obtained through a court proceeding before a bankruptcy case began in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff) the creditor's claim may be a secured claim. (See also Unsecured Claim)

Certain types of unsecured claims are given priority so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*

### SECURED CLAIM

A claim is a secured claim to the extent that the creditor has a lien on the property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property

### UNSECURED CLAIM

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full

### UNSECURED PRIORITY CLAIM

If your claim is an unsecured priority claim (See DEFINITIONS, above), check the appropriate boxes in this section and state the amount entitled to priority. A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

**5 Secured Claim**  
If your claim is a secured claim check the appropriate boxes in this section. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured (See DEFINITIONS above)

**6 Unsecured Priority Claim**  
If your claim is an unsecured priority claim (See DEFINITIONS, above), check the appropriate boxes in this section and state the amount entitled to priority. A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

### Court, Name of Debtor, and Case Number

Fill in the name of the federal judicial district where the bankruptcy case was filed, the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the Claims Agent, Bankruptcy Management Corporation, all of this information is near the top of the notice

### Information about Creditor

If not already accurately pre-printed, complete the section giving the name, address and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If (a) anyone else has already filed a proof of claim relating to this debt, (b) if you never received notices from the Claims Agent, Bankruptcy Management Corporation, about this case, (c) if your address differs from that to which the Claims Agent sent this notice, or (d) if this proof of claim replaces or amends a proof of claim that was already filed, check the appropriate boxes on the form

### 1 Basis for Claim

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

**2 Date Debt Incurred**  
Fill in the date when the debt first was owed by the debtor

**3 Court Judgments**  
If you have a court judgment for this debt, state the date the court entered the judgment

### 4 Total Amount of Claim at Time Case Filed

FILL IN THE TOTAL AMOUNT OF THE ENTIRE CLAIM. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges

*Please read - important information upon completion of this claim form, you are certifying that the statements herein are true*

### 8 Supporting Documents

You must attach to this proof of claim copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available

### 7 Credits

By signing this proof of claim you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor

Be sure to date the claim and place original signature of claimant or person making the claim for creditor where indicated at the bottom of the claim form. Please type or print name of individual under the signature. Be sure all items are answered on the claim form. If not applicable insert "Not Applicable"

**Return claim form and attachments, if any, and a second copy with any attachments to the Claims Agent, Bankruptcy Management Corporation, at the address on the front of this form**

<b>SSN</b>	<b>Last</b>	<b>First</b>	<b>Case Number</b>
455-92-4101	Ayers	Larry	29 433
457-50-9235	Bennett	Betty	29 433
467-68-2680	Boone	Joe	29 433
452-88-7479	Brooks	Clarence	29 433
467-39-7638	Brooks	Kenneth	29 433
527-96-7730	Cota	Sirlido	29 433
458-76-9785	Dotson	Eddie	29 433
455-82-5833	Douglas	Billy	29 433
450-70-0367	Ellis	John	29 433
451-90-5740	Eudy	Ricky	29 433
458-38-6482	Floyd	Billy	29 433
449-04-9745	Gibson	Jerry	29 433
458-92-7362	Hill	Dennis	29 433
506-14-5974	Holloway	Bryan	29 433
464-30-0252	Johnson	Doris	29 433
457-74-3910	Lee	Michael	29 433
451-66-6455	Mills	Winfard	29 433
461-82-2899	Northcutt	Billy	29 433
452-98-5797	Page	Ruben	29 433
461-36-4782	Poag	Lester	29 433
462-90-1464	Ricks	Rodney	29 433
319-50-0494	Rogers	Shirley	29 433
460-27-9162	Self	Hose	29 433
292-44-9717	Shrout	Theodore	29 433
467-13-7137	Story	Richard	29 433
465-52-5498	Torrence	James	29 433
422-52-0901	Wilkinson	David	29 433

**THE CARLILE LAW FIRM L.L.P.**

ATTORNEYS AT LAW  
400 SOUTH ALAMO  
MARSHALL TEXAS 75670

DAVID C CARLILE, J D , C P A  
D SCOTT CARLILE, J D  
BRUCE A CRAIG, J D  
CASEY Q CARLILE, J D  
MARK D STRACHAN, J D

(903) 938-1655  
(903) 938-0235 FACSIMILE  
carlilefirm@hotmail.com

April 14, 2003

**Bankruptcy Management Corporation  
1330 East Franklin Avenue  
El Segundo, CA 90245-1063**

**Re Proof of Claim for – Cause No 2002-333 – Robert Abernathy, et al v TXU  
Electric Co et al, Cause No 29,433 - Richard Amerson, et al v TXU Electric Co , et  
al, Cause No 01-275-B – John Alford, Jr , et al v TXU Electric Co**

**To Whom It May Concern**

**Enclosed please find the originals and one copy of the Proof of Claim in  
regards to Exide Technologies Please file stamp the copy and return in the self-  
addressed stamped envelope**

**Should you have any questions, please call Joyce Jeter at 903-938-1655**

**Thank you for your assistance regarding this matter**

**Yours truly,**

**THE CARLILE LAW FIRM, L L P**

**David C Carlile  
State Bar No 03804500**

**DDC/jmj**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE


FILED  
13 AM 9  
2005 OCT 17

In re: )  
EXIDE TECHNOLOGIES, ) Chapter 11  
Reorganized Debtor ) Case No. 02-11125 (KJC)  
)  
)  
)

**NOTICE OF WITHDRAWAL OF CLAIM NO. 3580 (ROBERT ABERNATHY)**

Claimant Robert Abernathy ("Abernathy") does hereby withdraw, with prejudice, his Proof of Claim No 3580 filed with the U S. Bankruptcy Court for the District of Delaware in the above-captioned case pursuant to Federal Rule of Bankruptcy Procedure 3006 A true and correct copy of Proof of Claim No 3580 is attached hereto as Exhibit A. Further, the undersigned represents that he has the authority to withdraw Proof of Claim No 3580

Date 10-17-05

Robert Abernathy  
  
By \_\_\_\_\_  
One of his attorneys

David C Carlile  
The Carlile Law Firm L L P  
400 South Alamo  
Marshall, TX 75670  
Tel (903) 938-1655  
Fax (903) 938-0235

Counsel for Robert Abernathy

**CERTIFICATE OF SERVICE**

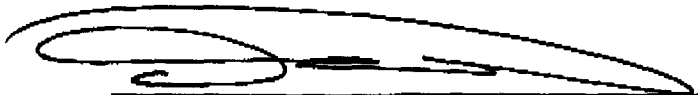
The undersigned certifies that service of the above and foregoing NOTICE OF WITHDRAWAL OF CLAIM NO 3580 (ROBERT ABERNATHY) was accomplished upon the persons listed below by first class U S Mail, proper postage affixed thereto, on this 18<sup>th</sup> day of October, 2005

Exide Technologies  
c/o BMC  
PO Box 1063  
El Segundo, CA 90245 - 1063

David D Bird, Clerk of Court  
U.S. Bankruptcy Court  
District of Delaware  
824 Market Street, 3rd Floor  
Wilmington, Delaware 19801

Jamce A Alwin  
Shaw Gussis Fishman Glantz  
Wolfson & Towbin LLC  
321 North Clark Street, Suite 800  
Chicago, IL 60610

B Holland Pritchard  
Erika Hutt  
Legal Department  
Building 200  
13000 Deerfield Parkway  
Alpharetta, GA 30004



Title Atty for Plaintiff  
Robert Abernathy

**THE CARLILE LAW FIRM L.L.P.**

ATTORNEYS AT LAW  
400 SOUTH ALAMO  
MARSHALL TEXAS 75670

DAVID C CARLILE, J D, C P A  
D SCOTT CARLILE, J D  
BRUCE A CRAIG, J D  
CASEY Q CARLILE, J D  
MARK D STRACHAN, J D

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carlilefirm@hotmail.com

April 14, 2003

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Re Proof of Claim for - Cause No. 2002-333 - Robert Abernathy, et al v TXU Electric Co. et al, Cause No. 29,433 - Richard Amerson, et al v TXU Electric Co., et al, Cause No. 01-275-B - John Alford, Jr., et al v TXU Electric Co.

To Whom It May Concern

Enclosed please find the originals and one copy of the Proof of Claim in regards to Exide Technologies. Please file stamp the copy and return in the self-addressed stamped envelope.

Should you have any questions, please call Joyce Jeter at 903-938-1655

Thank you for your assistance regarding this matter

Yours truly,

**THE CARLILE LAW FIRM, L L P**

David C Carlile  
State Bar No 03804500

DDC/jmj



UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



0202040102788

YOUR CLAIM IS SCHEDULED AS

UNKNOWN UNSECURED CONTINGENT  
DISPUTED UNLIQUIDATED

198

Exide Technologies

4/23 5 2003

Case Number

02-11125

OTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor and Address

PLAINTIFF ROBERT ABERNATHY *Case No 19433*  
DAVID CARLILE D SCOTT CARLILE BRUCE A CRAIG  
THE CARLILE LAW FIRM LLP  
400 SOUTH ALAMO  
MARSHALL TX 75670

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court in this case.

Check box if this address differs from the address on the envelope sent to you by the court.

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Creditor Telephone Number ( )

CREDITOR TAX ID #

75-2902774

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

Check here  replaces or  amends a previously filed claim dated \_\_\_\_\_ if this claim

BASIS FOR CLAIM

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other (describe briefly)
- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries and compensation (Fill out below)

Your social security number \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

DATE DEBT WAS INCURRED

8/29/02

IF COURT JUDGMENT DATE OBTAINED

TOTAL AMOUNT OF CLAIM AS OF PETITION DATE

\$ 20,000,000.00 (unsecured) \$ (secured) \$ (unsecured priority) \$ (total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check the box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

SECURED CLAIM

Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral

- Real Estate
- Motor Vehicle
- Other \_\_\_\_\_

Value of collateral \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ \_\_\_\_\_

UNSECURED PRIORITY CLAIM

Check this box if you have an unsecured priority claim.

Specify the priority of the claim

- Wages, salaries or commissions (up to \$4,650) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(1)
- Contributions to an employee benefit plan. 11 U.S.C. § 507(b)
- Up to \$2,100 of deposits toward purchase, lease or rental of property or services for personal family or household use. 11 U.S.C. § 507(a)(2)
- Alimony, maintenance or support owed to a spouse, former spouse or child. 11 U.S.C. § 507(a)(3)
- Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(4)
- Other. Specify applicable paragraph of 11 U.S.C. § 507(a) \_\_\_\_\_

Amounts are subject to adjustment on 4/30/01 and every 3 years thereafter with respect to rates, percentages, or other fixed dollar amounts.

FILED

APR 25 2003

BMC

CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

SUPPORTING DOCUMENTS Attach copies of supporting documents such as promissory notes, purchase orders, invoices, itemized statements of billing, accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS if the documents are not available; explain if the documents are voluminous, attach a summary.

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THIS SPACE FOR COURT USE ONLY

BY MAIL TO  
Bankruptcy Management Corporation  
P O BOX 1063  
El Segundo, CA 90245-1063

BY HAND OR OVERNIGHT DELIVERY TO  
Bankruptcy Management Corporation  
1330 East Franklin Avenue  
El Segundo, CA 90245



03080

LATE SIGNED

4-11-03

SIGN and print the name and title of any of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)

*[Signature]*

WAR

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 AND 357.

## Asbestos Positives

4/14/2003

SSN	Last	First	Case Number
4101	Ayers	Larry	29 433
9235	Bennett	Betty	29 433
2680	Boone	Joe	29 433
7479	Brooks	Clarence	29 433
7638	Brooks	Kenneth	29 433
7730	Cota	Sirido	29 433
9785	Dotson	Eddie	29 433
5833	Douglas	Billy	29 433
0367	Elts	John	29 433
5740	Eudy	Ricky	29 433
8482	Floyd	Billy	29 433
9745	Gibson	Jerry	29 433
7362	Hill	Dennis	29 433
5974	Holloway	Bryan	29 433
0252	Johnson	Done	29 433
3910	Lee	Michael	29 433
6455	Mills	Winford	29 433
2899	Northcutt	Billy	29 433
5797	Page	Ruben	29 433
4782	Poag	Lester	29 433
1464	Ricks	Rodney	29 433
0494	Rogers	Shirley	29 433
9162	Salf	Hose	29 433
8717	Shrout	Theodore	29 433
7137	Story	Richard	29 433
5498	Torrence	James	29 433
0901	Wilkinson	David	29 433