

# **EXIDE TECHNOLOGIES**

## **Contaminant-Related Property Damage Proof of Claim Form**

**FILED**  
AUG 15 2003  
**BMC**

*The United States Bankruptcy Court for the District of Delaware  
In re Exide Technologies et al, Debtors Case No 02-11125 (KJC)  
(Jointly Administered)*

**SUBMIT COMPLETE CLAIMS TO: Bankruptcy Management Corporation, at P O Box 1063, El Segundo, California 90245 for mail deliveries or 1330 E Franklin Avenue, El Segundo, California 90245 for hand delivery or courier delivery.**

“The Debtors” are the following entities

**Exide Technologies, f/k/a Exide Corporation  
Exide Illinois, Inc  
Dixie Metals Company**

**Exide Delaware, L.L.C  
RBD Liquidation, L.L.C  
Refined Metals Corporation**

If you have a claim against any of the Debtors for property damage resulting from exposure to any contaminants (a “Contaminant-Related PD Claim,” which is defined below) as a result of the acts or omissions of any of the Debtors, THIS PROPERTY DAMAGE PROOF OF CLAIM FORM MUST BE RECEIVED ON OR BEFORE 4 00 P M PREVAILING EASTERN TIME ON AUGUST 15, 2003 or you will be forever barred from asserting or receiving payment for your claim



# INSTRUCTIONS FOR FILING THE EXIDE TECHNOLOGIES CONTAMINANT-RELATED PROPERTY DAMAGE PROOF OF CLAIM FORM

## WHO SHOULD USE THIS CONTAMINANT-RELATED PROPERTY DAMAGE PROOF OF CLAIM FORM

- 1 You must complete this Contaminant-Related Property Damage Proof of Claim Form (referred to in this document as the "Form") if you wish to assert a Contaminant-Related PD Claim against any of the Debtors as a result of the acts or omissions of the Debtors (or any other person or entity for which the Debtors may be liable) prior to April 15, 2002 (the "Petition Date")
- 2 A "Contaminant-Related PD Claim," as used in this Motion, shall mean any claim alleging, arising out of, or in any way relating to physical, economic, environmental, or any other damage or injury to any property or property interest, including any cost incurred by any person, for which any Debtor is alleged to be liable, arising out of or in any way relating to the installation, presence, removal of, or release of a Contaminant at, on or from any facility of any Debtor or of any other person, or in or from any products or materials containing a Contaminant. Contaminant-Related PD Claims include all such claims whether in tort, contract, warranty, restitution, conspiracy, contribution, indemnity, guarantee, subrogation, under an environmental law, or under any other theory of law, equity or admiralty, whether seeking compensatory, special, economic and non-economic, punitive, exemplary, administrative reimbursement, or any other costs or damages, or whether seeking any legal, equitable or other relief of any kind whatsoever. Contaminant-Related PD Claims include any such claims that have been resolved or are subject to resolution pursuant to any agreement, or any such claims that are based on a judgment or verdict
- 3 You should NOT use this form for claims other than Contaminant-Related PD Claims. For information about how and when to file other types of claims against the Debtors, please contact Bankruptcy Management Corporation at one of the addresses below or you may call them toll-free at (888) 909-0100
- 4 Please do not distribute this form to others. Please call Bankruptcy Management Corporation at the toll-free phone number above to request additional forms if they are needed
- 5 If you wish to file a Contaminant-Related PD Claim against more than one Debtor, you must complete an additional form for each Debtor and submit the forms separately

## GENERAL INSTRUCTIONS

- 1 This form must be signed by the claimant or authorized agent of the claimant. **THE ORIGINAL OF THIS FORM MUST BE RECEIVED ON OR BEFORE 4 00 PM PREVAILING EASTERN TIME ON AUGUST 15, 2003 (the "Contaminant Bar Date")** by Bankruptcy Management Corporation at one of the addresses below or you shall be forever barred, estopped, and enjoined from (a) asserting any Contaminant-Related PD Claim (or filing a proof of claim with respect to such claims) against any of the Debtors, their property or their estates and if any such claims are barred, each of the Debtors and its property shall be forever discharged from all indebtedness, (b) voting upon, or receiving distributions under, any plan or plans of reorganization in the Debtors' chapter 11 cases in respect of such Contaminant-Related PD Claim, notwithstanding that you may later discover facts in addition to, or different from, those which you know or believe to be true as of the Contaminant Bar Date, and without regard to the subsequent discovery or existence of such different or additional facts, and (c) receiving any distribution in these chapter 11 cases on account of such Contaminant-Related PD Claims or receiving further notices regarding such claims or these chapter 11 cases. Return your completed, executed and original Form to the Debtors' claim agent, Bankruptcy Management Corporation, at P O Box 1063, El Segundo, California 90245 **for mail deliveries** or 1330 E Franklin Avenue, El Segundo, California 90245 **for hand delivery or courier delivery**. A Form will be deemed filed only when **actually received** by Bankruptcy Management Corporation at one of the above addresses. Forms must be submitted by courier service, hand delivery or mail. Forms may **not** be submitted in person or by e-mail, telecopy or facsimile and Forms transmitted in person or by e-mail, telecopy or facsimile will not be accepted for filing. If you are returning this form by mail, allow sufficient time so that this form is received on or before the Contaminant Bar Date. Forms that are postmarked before the Contaminant

Bar Date but received after the Contaminant Bar Date will not be accepted Only original forms will be accepted for filing

- 2 All Forms must be (a) written in English, (b) be denominated in lawful currency of the United States, and (c) indicate the Debtor against which you are asserting a claim
- 3 All Forms must be signed and dated in the appropriate spaces
- 4 A separate Form must be completed, executed and filed on account of each Contaminant-Related PD Claim you wish to assert
- 5 If you are asserting a Contaminant-Related PD Claim against more than one Debtor, you must complete, execute and file a separate Form for each Debtor you are asserting a claim against
- 6 If you cannot fit all information in any particular section or page, please make a copy of that page before filing it out and attach as many additional pages as needed
- 7 This Form must be filled out completely using BLACK or BLUE ink Typed responses are also acceptable
- 8 Mark check boxes with an "X" (example at right) ☒
- 9 Send only original Forms to the Debtors' claims agent at the following address Bankruptcy Management Corporation, at P O Box 1063, El Segundo, California 90245 **for mail deliveries** or 1330 E Franklin Avenue, El Segundo, California 90245 **for hand delivery or courier delivery** It is recommended that you make a copy of your completed Form to keep for your records
- 10 In addition to the completed, original Form, you must provide copies of all supporting documents in your possession relating to your Contaminant-Related PD Claim Attach copies of all supporting documents or materials, including, but not limited to, purchase orders, invoices, contracts, specifications, architectural drawings, appraisals, environmental reports, product samples or test results, related or referring to your claim **DO NOT SEND ORIGINAL DOCUMENTS** If the documents are not available, explain why not If the documents are too voluminous to attach, attach a summary of the documents identifying and providing a brief description of each document, identifying the location of the document and who has possession and control of it If you provide a summary of documents rather than the documents themselves, you are required to consent to the production and release of those documents to the Debtors upon the Debtors' further request
- 11 You may attach any additional documentation that supports your claim However, such information will not be a substitute for information provided in the Form itself
- 12 Be accurate and truthful This Form is an official court document that may be used as evidence in any legal proceeding regarding your claim The penalty for presenting a fraudulent claim is a fine up to \$500,000 or imprisonment for up to five years or both 18 U S C §§ 152 and 3571
- 13 For additional questions and/or assistance, please contact Bankruptcy Management Corporation at the addresses and/or phone number above

## PART I: CLAIMANT INFORMATION – GENERAL

United States Bankruptcy Court for the District of Delaware	CONTAMINANT-RELATED PROPERTY DAMAGE PROOF OF CLAIM
Exide Technologies et al , Case Number 02-11125 (KJC) Jointly Administered	
This form should be used to assert a CONTAMINANT-RELATED PROPERTY DAMAGE CLAIM against any of the Debtor(s) To assert such a claim, YOU MUST COMPLETE AND EXECUTE THIS FORM SO THAT IT IS ACTUALLY RECEIVED BY THE DEBTORS' CLAIM AGENT, BANKRUPTCY MANAGEMENT CORPORATION, AT P O BOX 1063, EL SEGUNDO, CALIFORNIA 90245 <b>FOR MAIL DELIVERIES</b> OR 1330 E FRANKLIN AVENUE, EL SEGUNDO, CALIFORNIA 90245 <b>FOR HAND DELIVERY OR COURIER DELIVERY</b> ON OR BEFORE 4 00 P M PREVAILING EASTERN TIME ON AUGUST 15, 2003 (THE "CONTAMINANT BAR DATE") OR YOU WILL BE FOREVER BARRED FROM ASSERTING THE CLAIM	
<input checked="" type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim Attach a copy of statement giving particulars Please see attachment to Proof of Claim Form	
<input type="checkbox"/> Check box if you have never received any notices from the Bankruptcy Court in this case	
<input type="checkbox"/> Check box if your current address differs from the address on the envelope sent to you by the Bankruptcy Court and/or Bankruptcy Management Corporation	
<input checked="" type="checkbox"/> Check here if this claim	
<input type="checkbox"/> Replaces	
<input checked="" type="checkbox"/> Amends a previously filed claim, dated <u>5/30/2002</u>	
Name of Debtor against which this claim is asserted Exide Technologies f/k/a Exide Corporation	
Name of Claimant (the person or other entity to whom the debtor owes money or property) Dennis Flaherty	
Name and address where notices should be sent Tarkington, O'Neill, Barrack & Chong 601 Van Ness Ave , Suite 2018, San Francisco, CA 94102	
Telephone Number (415) 777-5501	
Facsimile Number (415) 546-4962	
E-Mail Address CTark@TO@Law.com	
Claimant's Age 75	
Birth Date 7/14/28	
Social Security Number	

## PART II: CLAIMS RELATING TO ENVIRONMENTAL CONTAMINATION OR THE OPERATION OF THE DEBTORS' BUSINESSES

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IF YOU BELIEVE THAT YOUR ALLEGED PROPERTY DAMAGE IS THE RESULT OF ENVIRONMENTAL CONTAMINATION OR FROM THE OPERATION OF THE DEBTORS' BUSINESSES, YOU MUST BEGIN ON QUESTION 1. IF YOU BELIEVE THAT YOUR ALLEGED PROPERTY DAMAGE CLAIM IS THE RESULT OF A DEFECT IN THE DEBTORS' PRODUCTS, PLEASE SKIP TO QUESTION 17.

QUESTIONS 1-16 AND 37-55 BELOW MUST BE COMPLETED FOR EACH SITE OR BUILDING OR STRUCTURE (THE "SITE") THAT IS THE BASIS OF A CONTAMINANT-RELATED PD CLAIM IF YOU ARE ASSERTING A CONTAMINANT-RELATED PD CLAIM FOR MORE THAN ONE SITE, THEN YOU MUST FILE A SEPARATE CLAIM FOR EACH SITE

1 What is the exact location, including, if applicable, the name and street address, of the Site

Name One Arkansas Street

Address 1 Arkansas Street, San Francisco, CA 94107

2 What is your property interest in the Site (for example, owner, operator, lessee) and when did you acquire that interest?

Interest Former Owner

Date Acquired 4/23/98

3 Is the Site developed? Yes If yes, when was the Site developed? (Please check)

Before 1968 ☒

Between 1968 and 1973 ☐

After 1973 ☐

4 What is the address or location of the Debtor's facility or property which you believe caused the contamination of your Site?

One Arkansas Street  
San Francisco, CA 94107

5 Describe the basis for your belief that the Debtor's facility caused contaminant-related damage to your property interest

Tests & Inspections have revealed substantial lead and acid contamination on the site of this former battery plant

6 Specify the contaminant(s) causing the damage

Antimony, Copper, Lead, Zinc and Acid

7 Does the property have plumbing?

☒ Yes

☐ No

If yes, has the plumbing been tested or examined for lead or lead-containing pipes, joints, or solder? Please attach the test reports If you did not perform or request the tests and do not have the reports, please identify the person who obtained the test report

No

8 Identify the current use of the property Please be specific, detailed and complete

Currently vacant commercial property

9 Identify each prior use of the property Please be specific, detailed and complete

1946 (or earlier) - 1973 Battery manufacturing facility

1973 - 1975 Food Packaging facility

1975 - 1999 Furniture manufacture, administrative offices, and studio

2000 - Present Vacant

10 Has the property been tested for lead paint?

☒ Yes ☐ No

If yes, please attach copy of report

See attached Phase II Limited Subsurface Soil Characterization Report

11 Does the property contain Venetian blinds?

☐ Yes ☒ No

12 Has coal ever been used as fuel at the Site?

☐ Yes ☐ No Unknown

13 Has coal ash ever been used on the Site?

☐ Yes ☐ No Unknown

14 Have you made complaints about your claim(s) against any of the Debtors to any federal, state or local environmental or public health agency?

☒ Yes ☐ No 4/14/99 Notice of provisional RCRA ID number assignment  
(Please see attachment to Proof of Claim Form )

If yes, please identify each complaint by describing the details of the complaint, agency to whom addressed, and date of complaint Please attach copies of the complaint and any subsequent correspondence sent by you or received from the agency

15 Have you had an appraisal of your Site performed? If yes, when and by whom? Please attach copies of each appraisal report Yes See attached appraisal

16 Have you (or anyone else, including, but not limited to, a lender or prospective purchaser) ever had an environmental assessment done for your property? This includes what are called Phase 1 or Phase 2 assessments, or any property evaluation done for the purpose of identifying potential environmental concerns

Yes, a) Phase I Environmental Site Assessment  
b) Phase II Limited Subsurface Soil Characterization Report

If yes, please attach each and every evaluation If you do not have the evaluation, identify the person who has the evaluation For further information about environmental property assessments, see, for example, American Society for Testing and Materials (ASTM) Standard No E-1527-00

**\*PLEASE SKIP TO QUESTION 37 AND COMPLETE QUESTIONS 37-55**

### **PART III: CLAIMS RELATED TO PRODUCT DEFECT**

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**QUESTIONS 17-36 AND 37-55 MUST BE COMPLETED FOR EACH CLAIM THAT IS THE RESULT OF A DEFECT IN THE DEBTORS' PRODUCTS IF YOU ARE ASSERTING A CONTAMINANT-RELATED PD CLAIM FOR MORE THAN ONE OF THE DEBTORS' PRODUCTS, THEN YOU MUST FILE A SEPARATE CLAIM FOR EACH PRODUCT**

- 17 What is the name, trade name and/or number of the exact Exide product? \_\_\_\_\_  
\_\_\_\_\_
- 18 Describe the product by content (example, lead-acid battery, nickel cadmium battery, etc ), size, shape and color? \_\_\_\_\_  
\_\_\_\_\_
- 19 What is the make, model number and year of the vehicle or machinery in which the product was being used (or in which you intended to use the product)? \_\_\_\_\_  
\_\_\_\_\_
- 20 What is the name and address of the store or person from whom you purchased or obtained the Exide product? \_\_\_\_\_  
\_\_\_\_\_
- 21 What is the exact date that you purchased or obtained the product? \_\_\_\_\_  
\_\_\_\_\_
- 22 Describe the packaging for the product \_\_\_\_\_  
\_\_\_\_\_
- 23 When you purchased or obtained the product, was it new or used? \_\_\_\_\_
- 24 Was the product ever installed into any vehicle or equipment? \_\_\_\_\_  
If so, identify the name and address of the person who installed the product (including yourself), the date of installation, and the vehicle or machinery into which it was installed \_\_\_\_\_  
\_\_\_\_\_
- If the product was installed in more than one vehicle or piece of equipment, identify each \_\_\_\_\_  
\_\_\_\_\_
- 25 Was any maintenance by anyone ever performed on the product? \_\_\_\_\_
- 26 If so, what is the name and address of the person performing that maintenance (including yourself)? \_\_\_\_\_  
\_\_\_\_\_
- 27 What maintenance was performed? \_\_\_\_\_  
\_\_\_\_\_
- 28 Specify each of the dates that maintenance was performed on the product \_\_\_\_\_  
\_\_\_\_\_

29 Did you or anyone else ever pour water or any other fluid or substance into the product? If so, what was poured into the product, how much was poured, and under what circumstances? Please describe why this was done \_\_\_\_\_

30 Was any maintenance or repair done to the starter/ignition system or electrical system of the vehicle or machinery (at a time when the product was installed)? \_\_\_\_\_

If so describe the repair/maintenance that was done, and the date(s) on which such repair/maintenance work was done \_\_\_\_\_

31 Was the vehicle or equipment (in which you were using the product) ever involved in any accidents? \_\_\_\_\_

If so, describe the accident, the exact location where it occurred (streets, name of town and state/province), the date of the accident, and whether any accident report was filled out and by whom Please attach copies of any such accident report \_\_\_\_\_

32 In what location(s) have you operated the vehicle or equipment (in which the product was installed)? \_\_\_\_\_

33 Describe the basis for your belief that the product is defective \_\_\_\_\_

34 Did you witness any incident involving the product? \_\_\_\_\_

If so, please describe it fully \_\_\_\_\_

35 Describe the damage or injury which occurred that you contend resulted from the product defect \_\_\_\_\_



36

Have you made complaints about your claims against Exide to any federal, state, local or consumer product safety agency or authority? \_\_\_\_\_

If yes, please identify each complaint by describing the details of the complaint, the agency/authority to whom it was addressed, and date of complaint. Please attach copies of the complaint and any subsequent correspondence sent by you or received from the agency.

**QUESTIONS 37-55 MUST BE COMPLETED BY ALL CLAIMANTS FILING  
THIS FORM**

**PART IV: LITIGATION**

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37 Has any contaminant-related lawsuit ever been filed on behalf of this injured party?

☒ Yes ☐ No

*If Yes, answer the rest of this section If No, skip to Part VI*

a Give the two-letter mail code of the state/province where this suit is or was  
pending CA

b Give the Court in which the case was filed U S District Court, N D California

c Give the case number C01-00730CRB

d Has a judgment or verdict been entered?

☐ Yes ☒ No

e If Yes, provide the verdict amount and  
the names of each defendant to the litigation

*Verdict Amount* \_\_\_\_\_

*Defendants(s)* \_\_\_\_\_

f Who represents you or represented you in the matters?

Tarkington, O'Neill, Barrack & Chong

**PART V: SETTLEMENTS**

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38 Has any contaminant-related property damage claim been submitted on behalf of the injured party to any  
bankruptcy trust or other claim facility or entity?

☒ Yes ☐ No

39 Who represented you in the matter? Tarkington, O'Neill, Barrack & Chong

40 Has any such claim been settled?

☐ Yes ☒ No

If Yes, please provide aggregate amount of settlements

\$ \_\_\_\_\_

41 Has the injured party settled any contaminant-related personal injury claim with any of the Debtors?

☐ Yes ☒ No

If Yes, answer the rest of this section If No, skip to Part VII

42 Date of settlement

Month Day Year

43 Were there any others named in the lawsuit?

☐ Yes ☐ No

44 Were others named in separate lawsuits, claims or demands for the same property?

☐ Yes ☐ No

If Yes, please identify (a) the court in which the case was filed, (b) the case number, (c) the names of all defendants to the lawsuit, claim or demand, and (d) the date of filing

45 If the matter is settled or concluded, please describe when and how the matter was settled or concluded, including, the total amount of such settlement and the amounts paid by each defendant Attach any final documents, releases, etc

46 Please check all that apply regarding the status of the settlement

☐ Release executed by or on behalf of injured party and submitted to any of the Debtors prior to April 15, 2002

If yes, please attach executed release

☐ Settlement agreement executed by or on behalf of injured party and submitted to any of the Debtors prior to April 15, 2002

If yes, please attach executed settlement agreement

☐ Settlement paid in full

If Yes, amount \$ \_\_\_\_\_

Date of Payment

Month Day Year

☐ Settlement paid in part

If Yes, amount \$ \_\_\_\_\_

Month Day Year

Date of Submission

Settlement documents submitted to any of the Debtors or on behalf of the injured party

Month Day Year

Release executed by or on behalf of injured party and any of the Debtors  
authorizing additional claim for certain diseases manifesting after date of  
settlement (known as a limited disease release)

Date of Execution

Month Day Year

## PART VI: DEPENDENT OR RELATED PARTY CLAIM

- ☞ This section is to be completed only by dependents or related parties (such as spouse or child) of an injured party who believes he/she has a current contaminant-related claim against any of the Debtors that does not involve property damage to himself/herself. If a dependent or related party has a current claim against any of the Debtors for containment-related damages that does involve property damage to his/her property as the result of contaminants, then such dependent or related party is considered a separate "injured party" and he/she or the legal representative must fill out a separate Exide Contaminant-Related Property Damage Proof of Claim Form.
- ☞ This section is to be used by only one dependent or related party. If you wish to submit more than one dependent or related-party claim, please photocopy this page prior to filling it out and complete a separate page for each person making a claim.
- ☞ This claim form must be signed by the dependent or related party or the person filing the claim on his/her behalf (such as the personal representative or his/her attorney).

47 Dependent or Related Party Name

\_\_\_\_\_  
*Last Name*

\_\_\_\_\_  
*First Name*

\_\_\_\_\_  
*MI*

48 Address

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State/  
Province*

\_\_\_\_\_  
*Zip Code/  
Postal Code*

\_\_\_\_\_  
*Country (if not US)*

49 Social Security Number

\_\_\_\_\_  
50 Financially Dependent ☐ Yes ☐ No

51 Date of Birth

\_\_\_\_\_  
*Month Day Year*

52 Relationship to Injured Party ☐ Spouse ☐ Child ☐ Other, specify

53 Injured Party Name

\_\_\_\_\_  
*Last Name*

\_\_\_\_\_  
*First Name*

\_\_\_\_\_  
*MI*

54 Injured Party Social Security Number

\_\_\_\_\_

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## PART VII: SUPPORTING DOCUMENTATION

### 55 Supporting Documents and Materials

This space is for the Court Use Only

*Attach copies of all supporting documents or materials, including, but not limited to, purchase orders, invoices, contracts, specifications, architectural drawings, appraisals, environmental reports, product samples or test results, relating or referring to your claim DO NOT SEND ORIGINAL DOCUMENTS*

If the documents are not available, explain why not If the documents are too voluminous to attach, attach a summary of the documents identifying and providing a brief description of each document, identifying the location of the document and who has possession and control of it

If you provide a summary of documents rather than the documents themselves, you are required to consent to the production and release of those documents to the Debtors upon the Debtors' further request

Claimant's supporting documents are numerous and voluminous relating to the investigation, testing, stabilization and mitigation of the site as well as additional documentation of claimant's damages resulting from the contamination fo the site Attached are the following y documents relating to the investigation and testing of site conditions in addition to the Phase I and Phase II reports

- a 11/9/98 Limited Site Characterization Report, Crawlspace Area
- b 11/25/98 Limited Site Characterization Final Report, Crawlspace Area
- c 12/17/98 Cleanup and Abatement Order 98-001
- d 2/24/99 Stabilization Workplan
- e 6/4/99 Confirmation Soil Sample Results
- f 6/9/99 DTSC Sample Analysis Summary Report
- g 5/23/00 Site Mitigation Plan and Response to Negative Declaration Form
- h Brief Summary of Additional Documentation

Additional documents are available for inspection and copying at the offices of claimant's counsel, Tarkington, O'Neill, Barrack & Chong, 601 Van Ness Avenue, San Francisco, California 94102, Telephone Number (415) 777-5501 These documents include several thousand pages of additional reports, correspondence, bills, invoices, appraisal reports, leases, loan information, and transactional documents

## PART VIII: SIGNATURE PAGE

**All claims must be signed by the injured party or the person filing on his/her behalf  
(such as the personal representative or attorney)**

- 1 I have reviewed the information submitted on this Form and all documents submitted in support of my claim To the best of my knowledge, the information is accurate and complete
- 2a I hereby authorize and request each medical professional listed in this claim form and all other parties with custody of any documents or information concerning the injured party's medical history and treatment disclose any and all records concerning the injured party's medical history, diagnoses and treatment to the Debtors or their representatives
- 2b I hereby authorize the release of the injured party's Social Security Number for use in comparing information provided separately to other trusts or claims facilities to verify the completeness and accuracy of the information contained in this form
- 2c I hereby authorize and consent to the production and release of any and all documents that I have not attached to this Form that support my claim



**SIGNATURE OF INJURED PARTY,  
REPRESENTATIVE, OR ATTORNEY**

08 08 03  
Month Day Year

**IF THE SIGNATURE IS NOT THAT OF THE INJURED PARTY,  
PLEASE PRINT THE NAME OF THE SIGNATORY ABOVE AND INDICATE THE  
RELATIONSHIP TO THE INJURED PARTY**

**THE PENALTY FOR SUBMITTING A FRAUDULENT CLAIM  
IS A FINE OF UP TO \$500,000 OR  
IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH 18 U.S.C. §§ 152, 3571**

**KEEP A COPY OF THIS PROOF OF CLAIM FORM AND ALL ATTACHMENTS FOR YOUR FILES AND MAIL AN ORIGINAL PROOF OF CLAIM FORM AND COPIES OF ALL ATTACHMENTS TO BANKRUPTCY MANAGEMENT CORPORATION, AT P O BOX 1063, EL SEGUNDO, CALIFORNIA 90245 FOR MAIL DELIVERIES OR 1330 E FRANKLIN AVENUE, EL SEGUNDO, CALIFORNIA 90245 FOR HAND DELIVERY OR COURIER DELIVERY.**



**ATTACHMENTS TO EXIDE TECHNOLOGIES  
CONTAMINANT-RELATED PROPERTY DAMAGE PROOF OF CLAIM FORM**

**Part I Claimant Information - General**

Proof of Claim Forms are being submitted on behalf of Dennis Flaherty and his personal holding company, Flair Diversified Properties, LLC. Dennis Flaherty purchased the property on or about April 23, 1998 and transferred title to Flair Diversified Properties, LLC on January 12, 2001. As a precaution, separate claim forms have been submitted on behalf of both Dennis Flaherty and Flair Diversified Properties, Inc., however, both claims involve the same property and essentially the same resultant damages.

**Question No 14**

Copies of various correspondence and report relating to this property were copied to numerous federal, state and local public agencies beginning in November 1998. These communications are too numerous to list, but are available for inspection and copying at the offices of claimant's counsel.



*Applied Remedial Services, Inc*

701 Southamption Road Suite 105  
Benicia California 94510  
Phone (707) 748-4205 Fax (707) 748-4207

March 6, 1998

Mr Dennis L Flaherty  
Flair Diversified Properties, Inc  
101 Howard Street, Suite 350  
San Francisco, CA 94105-1619

Subject *Phase I Environmental Site Assessment Report  
One Arkansas Street, San Francisco, California*

Dear Mr Flaherty

Per your request, please find attached the completed Phase I Environmental Site Assessment report for the above referenced facility. If you have any questions or require any further clarifications, do not hesitate to contact our office.

Sincerely,

*Michael Kara*

Michael F Kara  
Manager, Remedial Services



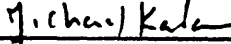
ARS0118


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PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

One Arkansas Street  
San Francisco, California

Prepared by  
*APPLIED REMEDIAL SERVICES, INC.*

  
\_\_\_\_\_  
Michael F. Kara  
Manager, Remedial Services  
*Registered Environmental Assessor # 07137, Expiration June 30, 1998*

  
\_\_\_\_\_  
Elias A. Rashmawi  
Project Manager

Prepared for  
  
Mr. Dennis L. Flaherty  
Flair Diversified Properties, Inc  
101 Howard Street, Suite 350  
San Francisco, CA 94105-1619

March 6, 1998

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- 1 Site Location
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## SITE PHOTOGRAPHS

## APPENDIX

## PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

One Arkansas Street, San Francisco, California

## Summary of Findings

Concerns	Remarks	Action
Stained Areas	No evidence of any significant staining was observed. Minor stains of paint related material typical of the furniture finishing industry were observed.	None
Vegetation Damage	None were present	None
Oil Sheen on Water	None was observed	None
Streams, Lakes/Ponds	None were present	None
Discarded Batteries	None were observed	None
Containerized Material/Waste	Several containers of paint related material (PRM) are present on-site in small quantities. The containers are properly stored without indications of leaks or spills.	None
Discarded Chemicals	None was evident or observed	None
Water Wells	None on the property. Previous and current use of the property is not expected to affect the groundwater beneficial use.	None
Monitoring Wells	None on the property.	None
On-Site USTs	None were observed or are permitted on the property.	None
Tank Fill Pipes	None were observed	None
On-Site Above Ground Storage Tanks	None were observed or were permitted	None
Drinking Water	Adequate	None
Asbestos	Suspect ACM may be present as insulation around ventilation and hot air ducts in the front office area located in the first floor of the building. The insulation was intact, non-friable, and observed to be in excellent condition without chipping or cracks. In the event these ducts are to be disturbed, ARS recommends the sampling and analysis of the suspect ACM to determine their asbestos content. In the event ACM is present, ARS recommends appropriate removal and disposal.	None
Lead Paint	Due to the age of the building, ARS recommends the collection and sampling of paint samples from structural members of the buildings. The paint was observed to be intact, and did not exhibit any signs of flaking or chipping. No adverse environmental or health effects are expected in the present condition.	None
Pesticides/Herbicides	None were observed or previously recorded to have been used	None
PCB's	None were observed	None
Radon	The records indicate that the Site is located in an area that does not exhibit elevated levels of Radon gas.	None
Off-Site Chemical Migration into Property	No off-site migration is expected.	None
Concerns as a Result of Previous Use	Based on available records and regulatory agencies inspection notes there are some indications that previous Site use activities may have adversely affected the property.	None