IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
EXIDE TECHNOLOGIES, et al.,	)	Case No. 02-11125 (KJC)
	)	(Jointly Administered)
Debtors.	)	
	)	Related Docket No. 3504

PRELIMINARY RESPONSE TO MEMORANDUM OF ENERSYS IN SUPPORT OF EMERGENCY MOTION IN LIMINE TO EXCLUDE EVIDENCE OF CONDUCT OR COMMUNICATIONS THAT POSTDATE THE DISCOVERY DEADLINE, INCLUDING EXIDE'S JANUARY 9, 2004 BRANDING MEETING

Exide, through below signed counsel, hereby provides a preliminary response to the above-referenced Motion ("Emergency Motion"). Exide respectfully requests the opportunity to provide a full response prior to the hearing in this matter, scheduled to begin January 28, 2004. In its ruling at the January 14th emergency telephonic hearing held at EnerSys's request, the Court ordered that any objections to the matters covered in the Emergency Motion be raised at the rejection hearing. If the Court wishes to address these matters prior to that, counsel for Exide will of course make itself available at the Court's instructions.

The sole purpose of this preliminary response is to briefly address the attacks on the credibility, ethics and professionalism of counsel for Exide. Counsel for Exide has taken to heart the Court's admonitions in chambers before the *Daubert* hearing that was recently held in this matter. We hope that all counsel can proceed towards the upcoming hearing in that same spirit. Although the issues in this case are of great importance to both parties, they are not important enough to call into question the professionalism or ethics of the very good lawyers on both sides of this litigation.

Attached hereto is a Declaration of Roger P. Furey, Esq. that addresses some of the issues discussed in the Emergency Motion, because Exide believes its credibility and the credibility of its counsel have been unfairly and incorrectly called into question by the statements contained in the Emergency Motion. Exide is prepared to, and wishes to, get beyond these types of collateral issues and proceed to a vigorous and fairly fought contest of the important legal and factual issues that lie before us.

As noted above, a full response to the Emergency Motion, including the legal arguments raised therein, will be filed with the Court in advance of the rejection hearing.

Respectfully submitted,

EXIDE TECHNOLOGIES, et al.

Dated: January 23, 2004

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