

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
EXIDE TECHNOLOGIES, et al.,<sup>1</sup> ) Case No. 02-11125 (KJC)  
) (Jointly Administered)  
Debtors. )

**RESPONSE TO THE DEBTORS' EMERGENCY MOTION FOR  
THE CONTINUANCE OF HEARING DATE ON MOTION OF THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS FOR AN ORDER STAYING  
PROCEEDINGS ON THE DEBTORS' PLAN OF REORGANIZATION AND  
DISCLOSURE STATEMENT OR, ALTERNATIVELY, TERMINATING THE DEBTORS'  
EXCLUSIVE PERIODS TO FILE AND SOLICIT ACCEPTANCES OF A PLAN**

*(relates to Pleading No. 2118, 2128)*

The Official Committee of Unsecured Creditors (the "Committee") of Exide Technologies ("Exide") and its related debtors and debtors-in-possession in the above captioned cases (collectively, the "Debtors"), by and through its undersigned counsel, hereby submits this response (the "Response") to the Debtors' Emergency Motion (the "Motion for Continuance") for the Continuance of Hearing Date regarding the Committee's Motion (the "Stay Motion") for an Order Staying Proceedings on the Debtors' Plan of Reorganization and Disclosure Statement or, Alternatively, Terminating the Debtors' Exclusive Periods to File and Solicit Acceptances of a Plan (Pleading No. 2128). In support of the Response, the Committee respectfully represents as follows:

1. The Motion for Continuance should be denied. The Committee filed its Stay Motion in accordance with the local rules of bankruptcy procedure specifically to have it heard by the Court at the omnibus hearing on August 19, 2003 (the "Omnibus Hearing"). If the relief requested in the Stay Motion is granted, there will be no need for a hearing on August 25, 2003

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<sup>1</sup> The Debtors in these proceedings are: Exide Technologies (f/k/a Exide Corporation); Exide Delaware, L.L.C.; Exide Illinois, Inc.; RBD Liquidation, L.L.C.; Dixie Metals Company and Refined Metals Corporation.

on the Debtors' Disclosure Statement (the "Disclosure Statement Hearing"). The Committee did not consent to the Debtors' request to move the hearing on the Stay Motion from the Omnibus Hearing to the Disclosure Statement Hearing primarily because, if granted, the Stay Motion will obviate the need to have the Disclosure Statement Hearing.

2. Despite the Debtors' assertions to the contrary, it is far more logical to hear the Stay Motion at the Omnibus Hearing, as all of the parties-in-interest will already be in attendance at that hearing. If the relief requested in the Stay Motion is granted at the omnibus hearing, none of the parties will need to travel to, or prepare for, the Disclosure Statement Hearing, thus saving the Debtors' estates the considerable expense associated with such travel to, preparation for and attendance at the Disclosure Statement Hearing.

3. The Committee will be prejudiced by the requested six day continuance because, without knowing if the Stay Motion will be granted, the Committee's professionals, as well as all other parties-in-interest, will be required to prepare for both the Stay Motion and the Debtors' motion to approve the Disclosure Statement if the Disclosure Statement Hearing goes forward. The preparation for both motions would require the Committee as well as the other parties, including the Debtors and their professionals, to expend a substantial amount of time and effort, which will simply be wasted if the relief sought in the Stay Motion is granted. Therefore, the Committee believes that it is in the best interests of the Debtors' estates that the Motion for Continuance be denied.

4. Finally, the Debtors' suggestion that it will need to have witnesses present at both hearings if the Stay Motion is not continued is utterly meritless. A hearing on the adequacy of a disclosure statement is not an evidentiary hearing and, therefore, no witnesses need be present for that hearing.

## **CONCLUSION**

**WHEREFORE**, for all of the foregoing reasons, the Committee respectfully requests that this Court deny the Debtors' Motion for Continuance, and that the Court grant the Committee such other and further relief as this Court deems just and proper.

Dated: August 8, 2003  
Wilmington, Delaware

Respectfully submitted,  
  
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