

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

EXIDE TECHNOLOGIES, ET AL

Debtors.

CHAPTER 11

Case No. 02-11125(KJC)  
Jointly Administered Cases

**ORDER DENYING DEBTORS' MOTION FOR A PROTECTIVE ORDER  
TO QUASH ENERSYS' RULE 30(b)(6) NOTICE OF  
DEPOSITION AND GRANTING ENERSYS' CROSS-MOTION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2003, upon consideration of the *Debtors' Motion for a Protective Order to Quash EnerSys's Rule 30(b)(6) Notice of Deposition* (Docket Item 2371) (the "**Motion**") and the *Debtors' Memorandum of Law in Support of its Motion for a Protective Order to Quash EnerSys's Rule 30(b)(6) Notice of Deposition* (Docket Item 2372) (the "**Memo in Support**") filed on September 15, 2003 and the *EnerSys, Inc.'s Memorandum of Law in the Opposition to Debtor Exide Technologies' Motion for a Protective Order to Quash EnerSys' Rule 30(b)(6) Notice of Deposition and in Support of the Cross-Motion of EnerSys, Inc. to Preclude the Trial Testimony of Craig H. Muhlhauser and Attorney Stuart Kupinsky* (the "**EnerSys' Memo of Law**") filed on September 29, 2003; and the Court, having found that notice of the Motion and Cross-Motion and of the hearing on the Motion and Cross-Motion were proper and sufficient under the circumstances and in accordance with the requirements of the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court; and the Court, having found that the relief sought by the Motion is not proper and the relief sought by the Cross-Motion is just and proper; and with all capitalized terms not defined herein having the meanings given them in the Motion and Cross-Motion and any responses thereto; it is hereby

ORDERED that the Motion is DENIED; and it is further

ORDERED, that the Cross-Motion is GRANTED; and it is further

ORDERED, that the testimony of Debtor's employees, Mr. Craig H. Mulhauser and Attorney Stuart Kupinsky, shall be precluded at the November 19 and 20, 2003 trial.

Dated: \_\_\_\_\_, 2003

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THE HONORABLE KEVIN J. CAREY  
UNITED STATES BANKRUPTCY JUDGE