

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

**MOTION OF ENERSYS, INC. FOR AUTHORITY
TO FILE UNDER SEAL ITS BRIEF IN SUPPORT OF
CROSS-MOTION TO PRECLUDE THE TRIAL TESTIMONY OF
CRAIG H. MULHAUSER AND ATTORNEY STUART KUPINSKY**

EnerSys, Inc. ("**EnerSys**") moves this Court (the "**Motion**") pursuant to Section 107(b)(1) of the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 9018, and Local Rule of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware 5003-1(b) for an order granting it authority to file 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* and related papers thereto (the "**Memo of Law**") under seal. In support of the Motion, EnerSys states as follows:

BACKGROUND

1. On June 12, 2003, the Court entered the Stipulated Protective Order (the "**Protective Order**") governing the flow of discovery material, facilitating the prompt resolution of disputes over confidentiality, and protecting material entitled to be kept confidential.

2. The parties have taken numerous depositions in this litigation, including the deposition of Mr. Craig H. Mulhauser, the Debtors' Chief Executive Officer. Mr. Mulhauser's deposition transcript, among others, has been marked in part "confidential-attorneys' only" by Debtor. Portions of that transcript have been referenced in the accompanying pleadings.

3. Accordingly, EnerSys seeks the approval of this Court to file the Memo of Law and related papers thereto under seal.

RELIEF REQUESTED

4. In support of this Motion, EnerSys notes that the Court has already authorized the filing of information under seal in paragraph 9 of the Stipulated Protective Order entered by the Court on June 12, 2003. EnerSys' Memo of Law and related papers thereto contain information that is not available to the public, is highly sensitive and confidential. Therefore, the grounds that the Court found sufficient to justify entering the Protective Order apply with equal force here.

WHEREFORE, EnerSys respectfully requests that this Court issue an order granting it authority to file *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* and related papers thereto under seal. A form of Order is attached for the convenience of the Court.

Dated: September 29, 2003

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