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ORIGINAL FILED
Superior Court of California
County of Los Angeles

SEP 27 2013

Sherri R. Carter, Executive Officer/Clerk
By N. DiGiambattista, Deputy

7 Attorneys for Plaintiff and Petitioner
EXIDE TECHNOLOGIES, INC.
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, CENTRAL DISTRICT
11

12 EXIDE TECHNOLOGIES, INC., a
Delaware corporation,

13 Plaintiff and Petitioner,

14 v.

15 DEPARTMENT OF TOXIC
16 SUBSTANCES CONTROL, a public
agency of the State of California,

17 Defendant and Respondent.
18

Case No. BS143369

~~PROPOSED~~ ORDER GRANTING
EXIDE TECHNOLOGIES, INC.'S EX
PARTE APPLICATION FOR AN
ORDER CONTINUING THE
HEARING DATE ON ORDER TO
SHOW CAUSE, MOTION TO STRIKE,
MOTION TO INTERVENE AND
TRIAL SETTING CONFERENCE

*[Ex Parte Application, Memorandum of
Points and Authorities, and Declaration
of Stephen J. O'Neil filed concurrently
herewith]*

Judge: The Honorable Luis A. Lavin
Trial Date: Not Set

Action Filed: June 13, 2013

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[PROPOSED] ORDER

On September 27, 2013 at 8:30 a.m. in Department 82 of the above-entitled court, Plaintiff and Petitioner Exide Technologies, Inc.'s ("Exide") *Ex Parte* Application for an order continuing the hearing date on the Order to Show Cause, Trial Setting Conference, Defendant and Respondent Department of Toxic Substances Control's ("DTSC") Motion to Strike, and third party Communities for a Better Environment's ("CBE") Motion to Intervene, and Trial Setting Conference, came on for hearing. Appearances were stated on the record.

Based upon the documents filed in connection with the ex parte application and the argument of counsel, pursuant to California Rule of Court 3. 1332, the Court finds that good cause exists to GRANT Exide's ex parte application. The hearing on the Order to Show Cause, Trial Setting Conference, DTSC's Motion to Strike, and CBE's Motion to Intervene is hereby continued from October 15, 2013 to October 22, 2013 at 8:30 a.m. in Department 82.

IT IS SO ORDERED.

DATED: SEP 27 2013 2013

LUIS A. LAVIN

THE HONORABLE LUIS A. LAVIN
LOS ANGELES SUPERIOR COURT JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 333 South Hope Street, 43rd Floor, Los Angeles, CA 90071-1422.

On **September 27, 2013**, I served true copies of the following document(s) described as **[PROPOSED] ORDER GRANTING EXIDE TECHNOLOGIES, INC.'S EX PARTE APPLICATION FOR AN ORDER CONTINUING THE HEARING DATE ON ORDER TO SHOW CAUSE, MOTION TO STRIKE, MOTION TO INTERVENE AND TRIAL SETTING CONFERENCE** on the interested parties in this action as follows:

Maya Golden-Krasner, Esq.
A. Yana Garcia, Esq.
Communities for a Better Environment
c/o Los Angeles County Superior Court
111 North Hill Street
Los Angeles, California 90012

Attorneys for Communities for a Better Environment

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **September 27, 2013**, at Los Angeles, California.

ALISON N. KLEAVER

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Mr. Thomas Heller, Esq.
California Department of Justice
c/o Los Angeles County Superior Court
111 North Hill Street
Los Angeles, California 90012
*Attorneys for Department of Toxic
Substances Control*

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **September 27, 2013**, at Los Angeles, California.

ALISON N. KLEAVER