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ORIGINAL FILED
DEPARTMENT OF
JUN 13 2013
LOS ANGELES
SUPERIOR COURT

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

EXIDE TECHNOLOGIES, INC., a
Delaware corporation,

Plaintiff and Petitioner,

v.

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

Defendant and Respondent.

Case No. **BS143369**

**[PROPOSED]
ORDER GRANTING EXIDE
TECHNOLOGIES, INC.'S
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
MOTION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

*[Filed Concurrently with Ex Parte
Application; Memorandum of Points and
Authorities in Support Thereof; Appendix
of Declarations In Support Thereof; and
Appendix of Evidence in Support
Thereof]*

Date: June 13, 2013
Time: 8:30 a.m.
Department: TBD

1 [PROPOSED] ORDER

2 The *Ex Parte* Application for Temporary Restraining Order and Order to
3 Show Cause re Preliminary Injunction (the "*Ex Parte* Application") filed by Plaintiff and
4 Petitioner Exide Technologies, Inc. ("Exide") came on for hearing on June ~~18~~¹⁷, 2013 in
5 Department 82 of the above-captioned Court. Appearances were stated on the record.
6 The Court, having considered all of the papers and evidence filed in support of the *Ex*
7 *Parte* Application, and having considered the oral argument of counsel, and having found
8 good cause, hereby orders that the *Ex Parte* Application is GRANTED.

9
10 ORDER TO SHOW CAUSE

11
12 TO DEFENDANT DEPARTMENT OF TOXIC SUBSTANCES CONTROL:

13 Based on the verified complaint filed in this action; the Declarations of Stephen J.
14 O'Neil, Russell Kemp, Paul Stratman, and Joseph Preuth; and the exhibits submitted in
15 support thereof, YOU ARE HEREBY ORDERED to appear on the 7-2-13,
16 2013 at 9:30 am/~~pm~~ or as soon thereafter as counsel can be heard in Department 82 of the
17 Los Angeles Superior Court, located at 111 N. Hill Street, Los Angeles, California 90012,
18 to show cause why a Preliminary Injunction should not be ordered staying the Order for
19 Temporary Suspension issued by you against Exide on April 24, 2013, and restraining and
20 enjoining you from enforcing or attempting to enforce such Order for Temporary
21 Suspension pending the conclusion of all administrative proceedings related thereto and
22 the issuance of a final administrative order.

23
24 TEMPORARY RESTRAINING ORDER

25
26 Pending the hearing and determination on the Order to Show Cause, your Order for
27 Temporary Suspension issued to Exide on April 24, 2013, is stayed and you are restrained
28 and enjoined from enforcing or attempting to enforce it.

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IT IS FURTHER ORDERED that any opposition to the Order to Show Cause shall be filed and served by facsimile, e-mail, or hand delivery to Exide's counsel no later than 6-25, 2013 at 4:30 ~~am~~/pm; and any reply papers shall be filed and served by facsimile, e-mail, or hand delivery to DTSC's counsel no later than 6-28-13, 2013 at 4:30 ~~am~~/pm.

Failure to attend the show cause hearing shall result in the immediate issuance of the Preliminary Injunction, which shall be deemed to take effect immediately upon the expiration of dissolution of the Temporary Restraining Order. Defendant is hereby further notified that it shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction, and that any act by it in violation of any of its terms may be considered and prosecuted as contempt of this Court.

IT IS SO ORDERED.

Dated: 6-17, 2013

By LUIS A. LAVIN
JUDGE OF THE SUPERIOR COURT

To the extent that the court is required by CCP 1094.5(h)(i) to make certain findings before granting a stay of the temporary suspension order issued on 4-24-13, the court finds that (1) the public interest will not suffer if the stay is issued and (2) the defendant/respondent will be unlikely to ultimately prevail on the merits. Exide's administrative remedy is too slow to be effective and/or would result in irreparable harm.