

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL  
NO.: 500-11-039459-108  
SUP NO.: 41-1393389

16.10  
9th  
SUPERIOR COURT  
(Commercial Division)

IN THE MATTER OF THE NOTICE OF INTENTION TO FILE A PROPOSAL OF:

**BATTERIE UNIVERSELLE LTÉE**, a corporation duly incorporated according to law having its head office at 6290, boulevard des Grandes-Prairies, in the City of Saint-Leonard, QC, Province of Quebec, H1P 1A2;

Debtor/Petitioner

**RSM RICHTER INC.**, in its capacity as Trustee to the Proposal of the Debtor, having its place of business at 2 Place Alexis Nihon, Suite 1820, Montreal, QC H3Z 3C2;

Trustee

**MOTION TO EXTEND THE DELAY TO MAKE A PROPOSAL**  
**(Section 50.4(9) Bankruptcy and Insolvency Act, Canada)**

**IN SUPPORT OF THE PRESENT MOTION, PETITIONER DECLARES AS FOLLOWS:**

- On August 12, 2010, the Debtor, Batterie Universelle Ltée. filed a Notice of Intention to Make a Proposal ("NOI") under the relevant provisions of the *Bankruptcy and Insolvency Act*, Canada and named RSM Richter Inc. ("RSM") as trustee thereto, the whole as appears of record herein.
- On September 9, 2010, this Honourable Court granted the Debtor's Motion to Extend the Delay to Make a Proposal for a period of forty-five (45) days, which delay will expire on October 22, 2010, the whole as appears of record herein.

22 octobre 2010  
Voie de reporter les diligences  
Voie de reporter de faire  
concernant l'Etat de l'insolvent  
et les représentants qui ont  
Voie de faire l'Etat de l'art 50.4(9) LF  
Qu'on en fait

PROPOSE par le 26 novembre 2010  
des délais visant la proposition  
Trust

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3. The Debtor forms part of a corporate group including its parent, Power Battery (Iberville) Ltd. ("**Iberville**"), Iberville's parent, Power Battery Co., Inc. ("**Power New Jersey**"), a New Jersey corporation, and the Debtor's sister corporation Power Canada Cables Ltd. ("**Power Canada**") (collectively, the "**Corporations**").
4. The Corporations collectively operate in the Province of Quebec and the State of New Jersey carrying on the business of the design, manufacturing and distribution of (i) stationary batteries and cabinets used in backup or standby applications, (ii) motive power batteries used in industrial equipment such as forklift trucks and floor washers, (iii) specialized cables and terminals used in commercial applications (refrigeration, lighting), and (iv) peripheral devices used in conjunction with commercial backup power applications.
5. Given the inter-relationship between the Corporations, Iberville and Power Canada have also filed Notices of Intention to Make a Proposal with RSM acting as Trustee thereunder. Power New Jersey has not, at the present time, filed for protection under the U.S. Bankruptcy Code.
6. The Corporations' principal secured creditor is National Bank of Canada ("**NBC**"). NBC is presently providing limited support to the Debtor during the restructuring process.
7. Following the granting by this Honourable Court of the first extension to the NOI period, RSM, with the assistance of the Debtor's restructuring officer and professional advisors, prepared an information package and provided same to potential strategic partners and other interested parties, the whole in order to solicit offers that will preserve the Debtor's business as a going concern.
8. Given that the solicitation process has commenced but has not yet been completed, the Debtor requires a further period of time to put together its restructuring plan in connection therewith.
9. The Debtor's creditors will not be prejudiced by the Court granting the extension sought by the Debtor hereunder. On the other hand, the bankruptcy of the Debtor will cause significant prejudice to the Debtor's creditors, employees and other stakeholders.
10. The report prepared by RSM on the state of the Debtor's business and financial affairs will be presented by RSM at the hearing of the present Motion.
11. The Debtor has acted and continues to act diligently and in good faith.
12. Accordingly, the Debtor is entitled to seek the extension of the delay to make its proposal for a period of forty-five (45) days, namely December 6, 2010.
13. The present Motion is well-founded in fact and in law.

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**WHEREFORE, THE DEBTOR/PETITIONER PRAYS FOR JUDGMENT OF THIS HONOURABLE COURT:**

- (a) **GRANTING** the present Motion;
- (b) **SHORTENING** the delays to serve and present the present Motion and **DECLARING** that the present Motion has been validly served; and
- (c) **EXTENDING** the delay for Petitioner to make its proposal herein until **December 6, 2010**,

**THE WHOLE WITHOUT COSTS.**

MONTREAL, October 15, 2010

(SGD.) Kugler Kandestin, L.L.P.

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**KUGLER KANDESTIN, L.L.P.,**  
Attorneys for Petitioner

TRUE COPY

*Kugler Kandestin, LLP.*  
KUGLER KANDESTIN, L.L.P.

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL  
NO.: 500-11-039459-108  
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SUPERIOR COURT  
(Commercial Division)

IN THE MATTER OF THE NOTICE OF  
INTENTION TO FILE A PROPOSAL OF:

BATTERIE UNIVERSELLE LTÉE,

Debtor/Petitioner

and

RSM RICHTER INC.

Trustee

SOLEMN DECLARATION

I, the undersigned, Regis Rehel, carrying on business at its head office at 6290, boulevard des  
Grandes-Prairies, in the City of Saint-Leonard, QC, Province of Quebec, H1P 1A2 hereby solemnly  
declare the following:

1. THAT I am the President of Batterie Universelle Ltée, the Petitioner in the present "Motion  
to Extend the Delay to Make a Proposal" (the "Motion") and have knowledge of all of the  
facts alleged in such Motion; and
2. THAT all of the facts alleged in the present Motion are, other than those of record herein,  
true and correct.

AND I HAVE SIGNED:

(SGD.) Regis Rehel

REGIS REHEL

SOLEMNLY DECLARED before me at the  
City of Montreal, Province of Quebec, this  
15<sup>th</sup> day of October, 2010.

(SGD.) JUNE BARRON (#61,100)

Commissioner of Oaths

TRUE COPY

Kugler Kandestin, LLP.  
KUGLER KANDESTIN, L.L.P.

**CANADA**  
**PROVINCE OF QUEBEC**  
**DISTRICT OF MONTREAL**  
**NO.: 500-11-039459-108**  
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**SUPERIOR COURT**  
**(Commercial Division)**

**IN THE MATTER OF THE NOTICE OF  
INTENTION TO FILE A PROPOSAL OF:**

**BATTERIE UNIVERSELLE LTÉE,**

Debtor/Petitioner

and

**RSM RICHTER INC.**

Trustee

**NOTICE OF PRESENTATION**

**TO: Mr. Carl Adjami**  
**RSM RICHTER INC.**  
2 Place Alexis Nihon, Suite 1820  
Montreal, Quebec H3Z 3C2

*Trustee*

**TO: Me. Pierre Grenier**  
**FRASER MILNER CASGRAIN**  
1 Place Ville Marie, Suite 3900  
Montreal, Quebec H3B 4M7

*Attorneys for: GE Canada*

**TO: Me. Denis St-Onge**  
**GOWLINGS**  
1 Place Ville Marie, Suite 3700  
Montreal, Quebec H3B 3P4

*Attorneys for: National Bank*

**TO: Me. Nicolas Plourde**  
**HEENAN BLAIKIE**  
1250 René-Lévesque Blvd. West, Suite 2500  
Montreal, Quebec H3B 4Y1

*Attorneys for: Hastings Filters*

**TO: Mr. Leslie Kite**  
**M. LESLIE KITE & ASSOCIATES, PC**  
208 South LaSalle Street, Suite 1750  
Chicago U.S.A. 60604

*Attorneys for: Hollingworth and Vose*

**TO: Me. Mathieu Thibault**  
**LAVERY**  
1 Place Ville Marie, Suite 4000  
Montreal, Quebec H3B 4W4

*Attorneys for: Seibel Modern Manufacturing*

**TO: Superintendent in Bankruptcy**  
5 Place Ville Marie, Suite 800  
Montreal, Quebec H3B 2G2

**TO: Me. Jacques Carpentier**  
7333, Place des Roseraies, Suite 202  
Anjou, Quebec H1M 2X6

*Attorney for: Alter Moneta Corporation*

Gentlemen:

Take notice that the present *Motion to Extend the Delay to Make a Proposal* will be presented for adjudication before this Honourable Court at **9:00 a.m.** in **Room 16.10** of the Montreal Court House, situated at 1 Notre Dame Street West, Montreal, Quebec on **October 22, 2010**, or so soon thereafter as counsel may be heard.

Do govern yourselves according.

MONTREAL, October 15, 2010

(SGD.) Kugler Kandestin, L.L.P.

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**KUGLER KANDESTIN, L.L.P.,**  
Attorneys for Petitioner

TRUE COPY

Kugler Kandestin, LLP.  
KUGLER KANDESTIN, L.L.P.

No. 500-11-039459-108

**COUR SUPERIOR COURT**  
*(Commercial Division)*  
**DISTRICT OF MONTREAL**

IN THE MATTER OF THE NOTICE OF INTENTION TO  
FILE A PROPOSAL OF:

BATTERIE UNIVERSELLE LTÉE Debitor/Petitioner

-and-

RSM RICHTER INC. Trustee

**MOTION TO EXTEND THE DELAY TO MAKE  
A PROPOSAL  
(Section 50.4(9) Bankruptcy and  
Insolvency Act, Canada)**

Copy for: RSM RICHTER INC.  
2 Place Alexis Nihon, Suite 1820  
Montréal, Québec H3Z 3C2

Attention: Mr. Carl Adjami

Me Gordon Levine  
O/F: 4974-001

**KUGLER KANDESTIN**

AVOCATS • ATTORNEYS  
S.E.N.C.R.L. • LLP

1 Place Ville Marie, Suite 2101  
Montréal, Québec, Canada H3B 2C6

Tel: (514)878-2861  
Fax: (514)875-8424

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