

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

SUPERIOR COURT
(Commercial Division)

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

Vu les pièces, rapport de
Syndic, représentées par
procureurs de la pétitionneuse
et du créancier garanti;

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;

Accorde la présente requête.
Prouve le délai au 02-10-10
MTC ce 05-09-10

Debtor/Petitioner

Droits de greffe
Gouvernement du Québec 2010-09-09
Palais Justice MONTREAL
0234152-0026-0920 50,00

Attesté

RSM RICHER 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, Power Batteries (Iberville) Ltd. 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.
- 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").

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3. 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.
4. 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.
5. The Corporations' principal secured creditor is National Bank of Canada ("NBC"). NBC is presently supporting the Debtor's cash flow requirements during the restructuring process.
6. Following the filing of the NOI, the Corporations, with the consent of NBC, engaged a chief restructuring officer and mandated RSM to conduct a process to solicit offers for the Corporations' business on a going concern basis.
7. RSM is presently putting together an information package that will be provided to interested parties in conjunction with the solicitation process, the whole with a view to preserving the business as a going concern.
8. Given the foregoing, the debtor requires a further period of time to complete its restructuring and present a viable proposal to its creditors.
9. The Debtor's creditors will not be prejudiced by the Court granting the extension sought by the Debtor hereunder.
10. NBC has been advised of the present request and does not oppose the extension sought herein.
11. 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.
12. The Debtor has acted and continues to act diligently and in good faith.
13. 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 October 23, 2010.
14. 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 October 23, 2010,

THE WHOLE WITHOUT COSTS.

MONTREAL, September 7, 2010

(s) KUGLER KANDESTIN, L.L.P.

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

TRUE COPY

Kugler Kandestin, L.L.P.

KUGLER KANDESTIN, L.L.P.

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BATTERIE UNIVERSELLE LTÉE

Debtor/Petitioner

and

RSM RICHTER INC.

Trustee

ATTESTATION OF AUTHENTICITY
(Article 82.1 C.C.P.)

The undersigned, **GERALD F. KANDESTIN**, attorney of the Firm Kugler Kandestin, L.L.P., carrying on business at 1 Place Ville Marie, Suite 2101, in the City and District of Montreal, Province of Quebec, under my oath of office, declare that:

1. On September 7, 2010, Kugler Kandestin, L.L.P. received by e-mail the Solemn Declaration of Mr. Jean Montpetit signed on September 7, 2010 and received by Kugler Kandestin, L.L.P. at 10:47 a.m. on the same date;
2. The copy of the Solemn Declaration attached hereto is a true copy and such Solemn Declaration was received by Kugler Kandestin, L.L.P. as set forth in paragraph 1 above.

AND I HAVE SIGNED

Gerald F. Kandestin
Gerald F. KANDESTIN

Solemnly declared before me at Montreal
this 7th day of September, 2010.

Tammy Jaylor 125,596
Commissioner of Oaths for the
District of Montreal



THE FIRM
CORE CONFORME
Kugler Kandestin, L.L.P.

CANADA
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DISTRICT OF MONTREAL
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and

RSM RICHER INC.

Trustee

SOLEMN DECLARATION

I, the undersigned, Jean Montpetit, 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 a Director and Vice-President of Power Battery (Iberville) Ltd., 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:

SOLEMNLY DECLARED before me at the
City of Montreal, Province of Quebec, this
7th day of September, 2010.

Commissioner of Oaths



TRUE COPY
COPIE CONFORME

CANADA
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SUPERIOR COURT
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IN THE MATTER OF THE NOTICE OF
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and

RSM RICHER INC.

Trustee

NOTICE OF PRESENTATION

TO: RSM RICHTER INC. **AND:** M Leslie Kite & Associates, PC
2 Place Alexis Nihon 208 South Lasalle Street
Suite 1820 Suite 1750, Chicago 60604
Montreal, QC Attention: Mr. Leslie Kite
H3Z 3C2 Email: les@kitelaw.net

Attention: Mr. Carl Adjami

AND: Me Denis St-Onge
GOWLINGS
1 Place Ville Marie, Suite 3700
Montreal, QC H3B 3P4

Attorneys for National Bank of Canada

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 **September 9, 2010**, or so soon thereafter as counsel may be heard.

Do govern yourselves according.

MONTREAL, September 7, 2010

(S) KUGLER KANDESTIN, L.L.P.

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

TRUE COPY


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

Debtor/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
Off: 4974-001

KUGLER KANDESTIN

AVOCATS • ATTORNEYS

SENGR.L. • LLP

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

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BG 0132