# EXHIBIT “3”

ATTORNEYS' EYES ONLY

COPY

1 UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

2 - - -

3 CONFIDENTIAL

4 - - - - - - - - - - - - - - - - - - - -

5 In Re: : Chapter 11

6 EXIDE TECHNOLOGIES, et al., :
Debtor :

7 :

8 : Case No.
: 02-11125 (KJC)

- - - - - - - - - - - - - - - - - - - -

9

10 - - -

11 Thursday, September 11, 2003
Philadelphia, Pennsylvania

12 - - -

13

14 Oral deposition of CRAIG H.

15 MUHLHAUSER, taken at STEVENS & LEE, 1818 Market

16 Street, 29th Floor, on the above date, beginning at

17 approximately 9:20 a.m., before N. Richard Roberts,

18 a Court Reporter and Notary Public of the

19 Commonwealth of Pennsylvania, there being present.

20

21 - - -

22 DelCASALE, CASEY, MARTIN & MANCHELLO
REGISTERED PROFESSIONAL REPORTERS

23 EIGHT PENN CENTER
SUITE 402 - 1628 JOHN F. KENNEDY BOULEVARD

24 PHILADELPHIA, PENNSYLVANIA 19103
(215) 568-2211

1 APPEARANCES:

2

STEVENS & LEE
3 BY: CARL HITTINGER, ESQUIRE
JOHN MIRAVICH, ESQUIRE
4 1818 Market Street, 29th Floor
Philadelphia, Pennsylvania 19103
5
Counsel for EnerSys
6

7 KIRKLAND & ELLIS
BY: PAUL R. GARCIA, ESQUIRE
8 LISA M. BARR, ESQUIRE
200 East Randolph Drive
9 Chicago, Illinois 60601

10 Counsel for Exide Technologies

11

KATTEN, MUCHIN, ZAVIS & ROSENMAN
12 BY: ROGER FUREY, ESQUIRE
1025 Thomas Jefferson Street, NW
13 Washington, DC 20006

14 Co-counsel for Exide Technologies

15

EXIDE TECHNOLOGIES
16 BY: STUART KUPINSKY, ESQUIRE
210 Carnegie Center, Suite 500
17 Princeton, NJ 08540

18 In-house counsel for Exide Technologies

19

20

21

22

23

24

1 (It was stipulated by and among
2 counsel for the respective parties that
3 sealing, certification and filing are
4 waived, and that all objections, except as
5 to the form of the question, are reserved
6 to the time of trial.)
7 - - -
8 CRAIG H. MUHLHAUSER, having been
9 duly sworn as a witness, was examined and
10 testified as follows...
11 - - -
12 MR. GARCIA: We will have him read
13 and sign.
14 MR. HITTINGER: That's fine.
15 MR. GARCIA: Before we get going
16 here, Carl, I just want to put something
17 very briefly on the record, if you don't
18 mind.
19 MR. HITTINGER: Go ahead.
20 MR. GARCIA: Mr. Muhlhauser is here
21 as Debtors' designee on Categories 9 and 10
22 of EnerSys's 30(b)(6) notice. We don't
23 believe that notice has any effect. We
24 think it's objectionable for the reasons we

1 put in our objection.

2 Nonetheless, as a compromise, and

3 subject to those objections, Mr. Muhlhauser

4 is appearing as our designee on those two

5 categories only, which are the process by

6 which Exide had determined the rejection of

7 the agreements is in Exide's best interest

8 and the persons who participated in that

9 decision-making process.

10 So he is appearing on those two

11 categories. Anything beyond those two

12 categories, he's not our designee and

13 that's it.

14 MR. HITTINGER: Let me understand

15 something based on that statement. I

16 certainly intend to question him about

17 those two categories today. I had asked

18 you -- John Miravich had asked you if Mr.

19 Muhlhauser might be testifying at the

20 hearing and I think you indicated that was

21 a possibility.

22 We also asked you whether you would

23 agree that Mr. Muhlhauser would be limited,

24 if he testified at the hearing, to those

1 A. I have general knowledge of the nature of
2 those agreements, there are quality requirements
3 that we were requiring Yuasa or EnerSys to maintain
4 regarding the products that carried our brand
5 name. So, generally, those types of obligations,
6 wastewater treatment services, there were some --
7 and that was the nature of the agreements, support
8 services.
9 Q. So if I would ask you specifically what
10 those requirements are, you wouldn't be able to
11 tell me, would you?
12 A. Not specifically, no.
13 MR. GARCIA: Let me just state for
14 the record, Carl, we have designated people
15 other than Mr. Muhlhauser in all these
16 categories and I would invite you to
17 consider our offer to provide you with that
18 witness subject to the stipulation, rather
19 than wasting Mr. Muhlhauser's time on
20 categories for which he has not been
21 designated.
22 MR. HITTINGER: We are not signing
23 that stipulation. Go to the Judge if you
24 disagree.

1 MR. GARCIA: We intend to do that,
2 actually.
3 BY MR. HITTINGER:
4 Q. Do you know the specific agreements that
5 Exide is moving to reject in these proceedings?
6 A. Generally, yes.
7 Q. How many are there?
8 A. I believe there are four.
9 Q. There are actually seven, did you know
10 that?
11 A. No, I did not.
12 Q. Identified in this answer to Item 2 is Mr.
13 Kupinsky -- do you see that in the middle there?
14 A. Yes, I do.
15 Q. -- as a witness apparently having knowledge
16 concerning these issues. Do you know what Mr.
17 Kupinsky's knowledge is concerning the obligations
18 under the agreements?
19 MR. GARCIA: Let me just caution
20 you, Mr. Muhlhauser, other than foundation
21 as to what is in Mr. Kupinsky's mind,
22 anything you may have learned what is in
23 his mind from Mr. Kupinsky or your other
24 lawyers, you ought not to answer because