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PROPOSED ATTORNEYS FOR THE DEBTORS AND DEBTORS-IN-POSSESSION

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

_____	)	
In re	)	Chapter 11 Case
	)	
MIRANT CORPORATION, <u>et al.</u> ,	)	Case No. 03-46590(DML)11
	)	Jointly Administered
Debtors.	)	
_____	)	

**NOTICE OF DESIGNATION AS COMPLEX CHAPTER 11 BANKRUPTCY CASE**

This bankruptcy case was filed on July 14, 2003. The undersigned party in interest believes that this case qualifies under General Order No. 00-6 as a complex Chapter 11 case because:

- The debtor has total debt of more than \$10 million;
- There are more than 50 parties in interest in this case;
- Claims against the debtor are publicly traded;
- \_\_\_\_\_ Other: Substantial explanation is required. (Attach additional sheets if necessary.)

Dated: Fort Worth, Texas  
July 15, 2003

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By /s/ Robin Phelan  
Robin Phelan  
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-and-

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In re	)	)	Chapter 11 Case
MIRANT CORPORATION, <u>et al.</u> ,	)	)	Case No. 03-46590(DML)11
Debtors.	)	)	Jointly Administered

**ORDER GRANTING COMPLEX CHAPTER 11 BANKRUPTCY CASE TREATMENT**

On July 14, 2003, Mirant Corporation and its affiliated debtors filed for relief under Chapter 11 of the Bankruptcy Code. A Notice of Designation as Complex Chapter 11 Case (see General Order No. 00-6) was filed. After review of the initial pleadings filed in this case, the Court concludes that this case appears to be a complex Chapter 11 case. Accordingly, unless the Court orders otherwise,

**IT IS ORDERED:**

1. The debtors shall maintain a service list identifying the parties that must be served whenever a motion or other pleading requires notice. Unless otherwise required by the

Bankruptcy Code or Rules, notices of motions and other matters will be limited to the parties on the service list.

- a. The service list shall initially include the Debtors, Debtors' counsel, counsel for the unsecured creditors' committee but if no committee has been appointed then the 50 largest unsecured creditors of the Debtors on a consolidated basis, the U.S. Trustee, any indenture trustee, and any party that requests notice;
- b. Any party in interest that wishes to receive notice, other than as listed on the service list, shall be added to the service list by filing and serving the Debtors and Debtors' counsel with a notice of appearance and request for service;
- c. Parties on the service list are required to give a fax number and are encouraged to provide an e-mail address for service of process and parties are encouraged to authorize service by e-mail; consent to fax or e-mail service may be included in the party's notice of appearance and request for service; notwithstanding consent to e-mail service, a "hard copy" shall be served by fax or by regular mail;
- d. The initial service list shall be filed within 3 days after entry of this order. A revised list shall be filed 7 days after the initial service list is filed. The Debtors shall update the service list, and shall file a copy of the updated service list, (i) at least every 7 days during the first 30 days of the case; (ii) at least every 15 days during the next 60 days of the case; and (iii) at least every 30 days thereafter throughout the case.

2. The Court sets \_\_\_\_\_ of each week at \_\_\_\_\_ .m. as the pre-set hearing day and time for hearing all motions and other matters in these cases. (There may be exceptions; those exceptions will be noted on the Court's internet schedule, available at [www.txnb.uscourts.gov](http://www.txnb.uscourts.gov)).

- a. All motions and other matters requiring hearing, but not requiring expedited or emergency hearing, shall be noticed for hearing, after approval by the courtroom deputy, on the next hearing day that is at least 23 days after the notice is mailed. As a preface to each pleading, just below the case caption, in lieu of the language required by Local Bankruptcy Rule 9007.1, the pleading shall state:

A HEARING WILL BE CONDUCTED ON THIS MATTER ON \_\_\_\_\_ AT \_\_\_\_ .M. IN COURTROOM \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, TEXAS. IF YOU OBJECT TO THE

RELIEF REQUESTED, YOU MUST RESPOND IN WRITING, SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

- b. All motions and other matters requiring expedited or emergency hearing shall comply with the usual Court requirements for explanation and verification of the emergency. Specifically, if a party in interest has an emergency or other situation that it believes requires consideration on less than 23-days' notice, the party should file and serve a separate, written motion for expedited hearing, in respect of the underlying motion, and may present the motion for an expedited hearing either (a) ex parte at a regular docket call of the presiding judge, or (b) at the next available pre-set hearing day. The Court will rule on the motion for expedited hearing within 24 hours of the time it is presented. If the Court grants the motion for expedited hearing, the underlying motion will be set by the courtroom deputy at the next available pre-set hearing day or at some other appropriate shortened date approved by the Court. The party requesting the hearing shall be responsible for providing proper notice in accordance with this order and the Bankruptcy Code and Rules. Parties should authorize fax or e-mail notice to facilitate notice of emergency and expedited hearings.

3. Emergency and expedited hearings (and other hearings in limited circumstances) in this case may be conducted by telephone conference. Parties must request permission to participate by telephone by calling the courtroom deputy, \_\_\_\_\_, at (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_.

4. If a matter is properly noticed for hearing and the parties reach a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing. If the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement, (i.e., that the terms of the settlement are not materially different

from what parties in interest could have expected if the dispute were fully litigated), the Court may approve the settlement at the hearing without further notice of the terms of the settlement.

5. The Debtors shall give notice of this order to all parties in interest within 7 days. If any party in interest, at any time, objects to the provisions of this order, that party shall file a motion articulating the objection and the relief requested. After hearing the objection and any responses the Court may reconsider any part of this order and may grant relief, if appropriate.

### End of Order ###

**PREPARED BY:**

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