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**ATTORNEYS FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
MIRANT AMERICAS GENERATION, LLC**

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

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

**EX PARTE MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF MIRANT AMERICAS GENERATION, LLC TO EXTEND TIME TO
APPEAL PURSUANT TO BANKRUPTCY RULE 8002(C)(2)**

**TO: THE HONORABLE D. MICHAEL LYNN,
UNITED STATES BANKRUPTCY JUDGE**

The Official Committee of Unsecured Creditors (the "MAGI Committee") of Mirant Americas Generation, LLC ("MAGI"), by and through its undersigned counsel Cadwalader, Wickersham & Taft LLP and Cox & Smith Incorporated, hereby files this *Ex Parte Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Extend Time to Appeal Pursuant to Bankruptcy Rule 8002(c)(2)* (the "Motion"). In support of the Motion, the MAGI Committee respectfully represents as follows:

1. On July 30, 2004, this Court entered the *Memorandum Order Expanding Role of Examiner* (the "Expanded Examiner Order"). Following review of the Expanded Examiner Order, the MAGI Committee has requested that the Court reconsider some of the findings of fact and expansion of certain of the duties of the Examiner by filing the *Motion of the*

Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC for Reconsideration and Clarification of, and Request for Hearing on Memorandum Order Expanding Role of Examiner (the "Reconsideration Motion"). Pending a ruling on the Reconsideration Motion, the MAGI Committee seeks an extension of time to appeal the Expanded Examiner Order pursuant to Rule 8002(c)(2) of the Federal Rules of Bankruptcy Procedure.

2. Rule 8002(c)(2) provides that the bankruptcy judge may extend the time for filing a notice of appeal, if a request to extend the time for filing a notice of appeal has been made by written motion filed before the time for filing a notice of appeal has expired. Fed. R. Bankr. Proc. 8002(c)(2). Pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure, the Court, for cause shown, may at any time enlarge the time within which a party must file a Notice of Appeal. Fed. R. Bankr. Proc. 9006(b)(3). Local Bankruptcy Rule 9003.1 provides that the Court may consider *ex parte*, motions for enlargement of time under Rule 9006.

3. The MAGI Committee requests that the Court extend the time in which the MAGI Committee must file its notice of appeal in regards to the Expanded Examiner Order for twenty (20) days. This should give the Court an opportunity to conduct a hearing on the MAGI Committee's Reconsideration Motion. The MAGI Committee believes there is cause to grant the extension based on the fact that if the Court were to grant the MAGI Committee's requested relief in the Reconsideration Motion, then the appeal of the Expanded Examiner Order may become moot. The MAGI Committee does not seek the extension for the purpose of undue delay or to prejudice any of the parties.

WHEREFORE, the MAGI Committee respectfully requests that the Court extend the time in which the MAGI Committee must file its notice of appeal on the Expanded Examiner Order for twenty (20) days and for such other relief that the MAGI Committee may be entitled to.

Dated: August 9, 2004

Respectfully submitted,

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By: /s/ Thomas Rice
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**ATTORNEYS FOR THE OFFICIAL COMMITTEE
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AMERICAS GENERATION, LLC**

CERTIFICATE OF CONFERENCE

I hereby certify that an attorney for the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC contacted or attempted to contact counsel for the Debtors', the Mirant Committee, and the Equity Committee in an attempt to reach an agreement regarding the subject of the foregoing Motion. Counsel for the Equity Committee was unavailable. Counsel for the Mirant Committee has consented to the relief requested. As of the filing of this pleading, Mr. Petrick has left messages for Mr. Lauria and Ms. Williamson spoke to Mr. Phelan who was unable to consent or oppose the expedited relief requested on the Motion.

/s/ Thomas Rice
Thomas Rice

**ATTORNEYS FOR THE OFFICIAL COMMITTEE
OF UNSECURED CREDITORS OF MIRANT
AMERICAS GENERATION, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 9, 2004, a true and correct copy of the foregoing motion has been sent via electronic mail to the parties listed below and via United States First Class Mail, postage prepaid, to the parties listed on the Official Shortened Service List (7/9/04).

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/s/ Thomas Rice

Thomas Rice

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

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

ORDER GRANTING THE *EX PARTE* MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF MIRANT AMERICAS GENERATION, LLC TO EXTEND TIME TO APPEAL PURSUANT TO BANKRUPTCY RULE 8002(C)(2)

Came on for consideration the *Ex Parte Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Extend Time to Appeal Pursuant to Bankruptcy Rule 8002(c)(2)* (the "Motion") filed by the Official Committee of Unsecured Creditors (the "MAGI Committee") of Mirant Americas Generation, LLC ("MAGI"), seeking an extension of the time to file a notice of appeal in regards to the *Memorandum Order Expanding Role of Examiner* (the "Expanded Examiner Order"). The Court having considered the arguments of the parties, and sufficient cause having been shown, it is now therefore,

ORDER, ADJUDGED and DECREED:

1. That the MAGI Committee has demonstrated that cause exists pursuant to Rule 9006(b)(3) of the Federal Rules of Bankruptcy Procedure to extend the time to file a notice of appeal on the Expanded Examiner Order; and

2. That pursuant to Rule 8002(c)(2) of the Federal Rules of Bankruptcy Procedure the time for the MAGI Committee to file a notice of appeal on the Expanded Examiner Order is extended to August 30, 2004.

END OF ORDER

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