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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**

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

**MOTION FOR EXPEDITED HEARING TO CONSIDER THE MOTION OF THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF MIRANT  
AMERICAS GENERATION, LLC TO STRIKE APPELLEES' DESIGNATION  
OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL  
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDUER 8006**

**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 attorneys Cadwalader, Wickersham & Taft LLP and Cox & Smith Incorporated, hereby files this *Motion for Expedited Hearing to Consider the Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Strike Appellees' Designation of Additional Items to be Included in the Record on Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8006* (the "Expedite Motion"). In support of its Expedite Motion, the MAGI Committee respectfully represents as follows:

1. The MAGI Committee requests that the Court conduct a hearing on the matters set forth in the *Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Strike Appellees' Designation of Additional Items to be Included in the Record on Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8006* (the "Motion") on an expedited basis no later than June 16, 2004. In the Motion, the MAGI Committee moves to strike the *Appellees' Designation of Additional Items to be Included in the Record on Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8006* filed by the Debtors on June 1, 2004, as overly broad and improper.

2. Since the Record on Appeal has not been transferred to the District Court, the MAGI Committee believes that it is appropriate to consider striking the designation of items on appeal at this time to avoid undue delay in pursuing the appeal. Furthermore, expedited consideration of the Motion is appropriate to avoid any prejudice to the parties during the briefing period for the Appeal, such that each party will have a clear understanding of the items that will be available for consideration by the District Court.

3. Therefore, the MAGI Committee requests that the Court enter an Order setting an expedited hearing on the Motion for Wednesday, June 16, 2004, at 10:30 a.m.

WHEREFORE, the MAGI Committee requests that the Court order that a hearing be set for June 16, 2004, at 10:30 a.m. for consideration of the Motion, and for such other and further relief as to which it may be entitled.

Dated: June 9, 2004

Respectfully submitted,

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By: /s/ Thomas Rice  
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AND

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

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on June 9, 2004, on behalf of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC, I contacted Ian Peck, counsel for the Debtors, in an attempt to reach an agreement regarding the subject of the foregoing Motion, but no agreement was reach with respect to the Motion. Therefore, the Motion is opposed and must be presented to the Court for determination.

/s/ Thomas Rice  
Thomas Rice

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 9, 2004, a true and correct copy of the forgoing 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 (5/14/04).

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

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

**ORDER GRANTING MOTION FOR EXPEDITED HEARING TO CONSIDER THE  
MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF  
MIRANT AMERICAS GENERATION, LLC TO STRIKE APPELLEES'  
DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 8006**

Came on to be considered, the *Motion for Expedited Hearing to Consider the Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Strike Appellees' Designation of Additional Items to be included in the Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure 8006* (the "Expedite Motion") filed by the Official Committee of Unsecured Creditors (the "MAGI Committee") of Mirant Americas Generation, LLC ("MAGI"), by and through its attorneys Cadwalader, Wickersham & Taft LLP and Cox & Smith Incorporated requesting that the Court conduct an expedited hearing on the *Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Strike Appellees' Designation of Additional Items to be included in the Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure 8006* (the "Motion"). After considering the Expedite Motion, the Court finds that the Motion should be granted. Therefore, it is:

**ORDERED** that the Motion is hereby granted; and it is further

**ORDERED** that the hearing on the *Motion of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC to Strike Appellees' Designation of Additional Items to be included in the Record on Appeal pursuant to Federal Rule of Bankruptcy Procedure*

8006 shall be on June 16, 2004 at 10:30 a.m., CT before the Honorable D. Michael Lynn, United States Courthouse, 501 West Tenth Street, Fort Worth, Texas.

Dated: \_\_\_\_\_, 2004

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**HONORABLE D. MICHAEL LYNN  
UNITED STATES BANKRUPTCY JUDGE**