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ATTORNEY FOR VERNON J. GREGORY

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
	)	Jointly Administered
Debtors.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK VENTURES,	)	Case No. 03-46652
INC.,)	
)	
Debtor.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK HOLDINGS,	)	Case No. 03-46651
INC.,)	
)	
Debtor.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK L.L.C.	)	Case No. 03-46653
(GEORGIA DOMESTIC),)	
)	
Debtor.)	
_____)	

MOTION FOR RELIEF FROM AUTOMATIC STAY

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

COMES NOW, Vernon J. Gregory, referred to as “Movant” herein, and files this Motion For Relief From Automatic Stay and in support thereof would respectfully show the Court the following:

1. This is a proceeding under Bankruptcy Rules 4001 and 9014, seeking relief under 11 U.S.C. § 362(d). This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 362. This is a core proceeding under 28 U.S.C. § 157.

2. Debtors, MIRANT CORPORATION, Mirant Sugar Creek, L.L.C., Mirant Sugar Creek Holdings, Inc. and Mirant Sugar Creek Ventures, Inc., filed their petitions under Chapter 11 of the United States Bankruptcy Code on July 14, 2003 and are currently operating as a debtor in possession. These cases are being jointly administered under case number 03-46590-DML-11.

3. Prior to the filing of this case the Movant sustained a personal injury caused in part by the negligence of the Debtors. There is insurance through St. Paul Insurance which covers the claim of Movant. The statute of limitations on this cause of action against the Debtor is believed to expire on October 22, 2003. It is necessary to name the Debtors as defendants in the lawsuit. Movant requests the automatic stay be modified to allow Movant to proceed against the Debtors in state court. Movant stipulates that no monetary claims shall be adjudged against the Debtors and no collection or other action to collect any amounts from the Debtors or their bankruptcy estate will be pursued in the proposed state court action.

4. Movant prays that the provisions of Bankruptcy Rule 4001 (a)(3) be waived in this matter.

WHEREFORE, premises considered, Movant requests that this matter be set for an expedited hearing and that the Court enter an Order modifying the Automatic Stay to permit Movant

to proceed to file and prosecute an action in state court against the Debtors and to collect any sums due her only from the insurance provided by St. Paul Insurance but not from the Debtors or the Debtors' bankruptcy estates, and Movant requests such other and further relief as to which she may be justly entitled.

NOTICE-ANSWER REQUIRED

PURSUANT TO LOCAL BANKRUPTCY RULE 4001 (b), AN ANSWER IS REQUIRED. THE TRUSTEE, IF ONE HAS BEEN APPOINTED, OR THE DEBTOR SHALL FILE AN ANSWER TO ANY MOTION FOR RELIEF FROM AUTOMATIC STAY WITHIN TWELVE (12) DAYS FROM THE SERVICE OF THE MOTION. THE DEBTOR'S ANSWER SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF DEBTOR DOES NOT FILE AN ANSWER AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING RELIEF MAY BE ENTERED BY DEFAULT.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing *Motion For Relief From Automatic Stay* was served as per the following service list this 16th day of October, 2003.

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ATTORNEY FOR VERNON J. GREGORY

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
	)	Jointly Administered
Debtors.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK VENTURES,	)	Case No. 03-46652
INC.,)	
)	
Debtor.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK HOLDINGS,	)	Case No. 03-46651
INC.,)	
)	
Debtor.)	
_____)	
IN RE:	)	Chapter 11 Case
)	
MIRANT SUGAR CREEK L.L.C.	)	Case No. 03-46653
(GEORGIA DOMESTIC),)	
)	
Debtor.)	
_____)	

CERTIFICATE OF CONFERENCE

On Monday, October 13, 2003 the undersigned attorney's staff called Ian Peck, attorney for Debtors, to advise of the filing of this Motion and a Motion Requesting Expedited Hearing. Debtors are opposed to this Motion as well as the Motion Requesting Expedited Hearing.

/s/ Steve Stasio
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