

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

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

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

**ORDER GRANTING IN PART DEBTORS' MOTION TO DISQUALIFY
SEGAL [sic], GOLDMAN, MAZZOTA & SIEGEL, P.C. AND ITS ATTORNEYS**

Upon consideration of Debtors' Motion to Disqualify Segal [sic], Goldman, Mazzota & Siegel, P.C. and its Attorneys (the "Motion") dated January 27, 2004; and upon all of the proceedings had before the court; and having concluded that the court is limited to disqualifying Segel, Goldman, Mazzota & Siegel, P.C. (the "Firm") with respect to those matters subject to the jurisdiction of the court; and the Firm and its client, the Town of Ramapo, New York (the "Town"), having announced in open court that they do not wish to resist the Motion; and it appearing to the court that the relief granted herein will not delay certain litigation pending in the Supreme Court of the State of New York, resolution of which litigation is critical to Debtors' chapter 11 cases;

IT IS HEREBY

ORDERED that the Firm and Mr. Paul Feigenbaum ("Feigenbaum"), individually, shall be disqualified from representing the Town in connection with any proceedings in these chapter 11 cases, whether such proceedings are before this court or a court acting ancillary to this court in these chapter 11 cases; and it is further

ORDERED that, by reason of its disqualification, the Firm is barred from appearing or acting on behalf of the Town or any other New York State taxing authority

and/or providing advice, directly or indirectly, in connection with any presently pending 11 U.S.C. § 505 motion or any similar motion which may be filed in these chapter 11 cases in the future; and it is further

ORDERED that the Firm shall be barred from providing assistance, directly or indirectly, in connection with contests by the Town or any other New York State taxing authority of any such motion pending or brought in these chapter 11 cases; and it is further

ORDERED that pleadings on file in this court and the United States District Court for the Northern District of Texas (the "District Court") shall be amended to reflect that the Firm and Feigenbaum are no longer of counsel to the Town, including in connection with the motion before the District Court for leave to appeal this court's January 9, 2004, Order Regarding Motions to Dismiss and/or Abstain from Hearing Debtors' Motion Pursuant to 11 U.S.C. §§ 105(a) and 505(a) for the Determination of Tax Liability; and it is further

ORDERED that all pleadings filed in connection with the Motion, commencing with the Motion and continuing to, but not including, this order as, such pleadings being reflected in exhibit "A" (the "Documents"), shall be placed by the clerk of this court under seal until further order of this court; provided, however that, to the extent any of the Documents have been previously introduced in another forum or provided to any person, this court does not deem such introduction or provision of itself to be a violation of this order; and it is further

ORDERED that the court reserves decision with respect to the Motion to determine whether sanctions and attorney's fees should be assessed against Feigenbaum,

the Firm or the Town, pending the outcome of hearings in the Supreme Court of the State of New York the court understands will be held on issues raised in the Motion; and it is further

ORDERED that all other relief requested in the Motion which is not specifically granted herein, and except for that relief which remains subject to consideration pursuant to the preceding paragraph, be, and hereby is, DENIED.

Signed this 27th day of February 2004.



DENNIS MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE

03-46590-dml11 Mirant Corporation
Case type: bk Chapter: 11 Asset: Yes Vol: v Judge: D. Michael Lynn
Date filed: 07/14/2003 Date of last filing: 02/25/2004

Docket Information and Related Docket Entries
Case 03-46590-dml11 Document 2723

Document 2723:

Motion for adequate protection *Debtors' Motion to Disqualify Segal, Goldman, Mazzota & Siegel, P.C. and its Attorneys* filed by Debtor Mirant Corporation (Attachments: # (1) Exhibit A# (2) Exhibit B# (3) Exhibit C# (4) Exhibit D# (5) Exhibit E# (6) Exhibit F# (7) Proposed Order) (Phelan, Robin)

Document 2724:

Notice of hearing filed by Debtor Mirant Corporation (RE: related document(s)2723 Motion for adequate protection *Debtors' Motion to Disqualify Segal, Goldman, Mazzota & Siegel, P.C. and its Attorneys* filed by Debtor Mirant Corporation (Attachments: # (1) Exhibit A# (2) Exhibit B# (3) Exhibit C# (4) Exhibit D# (5) Exhibit E# (6) Exhibit F# (7) Proposed Order) (Phelan, Robin)). Hearing to be held on 2/25/2004 at 12:00 PM Ft. Worth, Judge Lynn's Ctrm. for 2723, (Phelan, Robin)

Document 2806:

Affidavit by Diane Streany of Mailing by Bankruptcy Services LLC filed by Debtor Mirant Corporation (RE: related document(s)2723 Motion for adequate protection *Debtors' Motion to Disqualify Segal, Goldman, Mazzota & Siegel, P.C. and its Attorneys*, 2695 Order on motion to set hearing, 2696 Notice of hearing(motion), Notice of hearing(motion), Notice of hearing(motion), 2724 Notice of hearing(motion), Notice of hearing(motion), 2697 Notice (generic), Notice (generic), 2698 Notice (generic), Notice (generic), 2699 Notice (generic), Notice (generic), 2702 List (generic), 2703 Witness and exhibit list). (Peck, Ian)

Document 2809:

Affidavit by John E. Mitchell in Response to *Debtors' Motion to Disqualify Segal, Goldman, Mazzotta & Siegel and its Attorneys* filed by Creditor Haverstraw Tax Authorities (RE: related document(s)2723 Motion for adequate protection *Debtors' Motion to Disqualify Segal, Goldman, Mazzota & Siegel, P.C. and its Attorneys*). (Mitchell, John)

Document 2978:

Response to (related document(s): 2723 Motion for adequate protection *Debtors' Motion to Disqualify Segal, Goldman, Mazzota & Siegel, P.C. and its Attorneys* filed by Debtor Mirant Corporation) filed by Creditor Town of Ramapo, New York (Attachments: # (1) Affidavit Affidavit of Paul J. Goldman# (2) Affidavit Goldman Affidavit, Exhibit A# (3) Affidavit Goldman Affidavit, Exhibit B, Part 1# (4) Affidavit Goldman Affidavit, Exhibit B, Part 2# (5) Affidavit Goldman Affidavit, Exhibits C&D# (6) Affidavit Goldman Affidavit, Exhibits E,F&G# (7) Affidavit Goldman Affidavit, Exhibit H, Part 1# (8) Affidavit Goldman Affidavit, Exhibit H, Part 2# (9) Affidavit Goldman Affidavit, Exhibit I# (10) Affidavit Affidavit of Paul A. Feigenbaum w/ Exhibits A&B# (11) Affidavit Feigenbaum Affidavit, Exhibit C, Part 1# (12) Affidavit Feigenbaum Affidavit, Exhibit C, Part 2# (13) Affidavit Feigenbaum Affidavit, Exhibit C, Part 3# (14) Affidavit Feigenbaum Affidavit, Exhibit C, Part 4# (15) Affidavit Feigenbaum Affidavit, Exhibits D&E# (16) Affidavit Affidavit of Lisa R. Purdy# (17) Affidavit Affidavit of Keith B. Rose) (Mitchell, John)

Document 2999:

Motion to set hearing(related documents 2723 Motion for adequate protection,) *Debtors' Motion for Expedited Status Conference Pursuant to Bankruptcy Code Section 105(d) in Respect of the Debtors' Motion to Disqualify Segal, Goldman, Mazzato & Siegel, P.C. and its Attorneys* filed by Debtor Mirant Corporation (Attachments: # (1) Exhibit A# (2) Proposed Order) (Phelan, Robin)

Document 3007:

Order granting motion to set hearing (related document # 2999) Entered on 2/20/2004. Hearing to be held on 2/23/2004 at 08:15 AM Ft. Worth, Judge Lynn's Ctrm. for 2723, (Hunsuckle, J)

Document 3024:

Order Regarding Scheduling of Depositions and Document Production in Respect of the Debtors' Motion to Disqualify Segal, Goldman, Mazzotta & Siegel, P.C. and its Attorneys (related document # 2723) Entered on 2/24/2004. (Hunsuckle, J)

Document 3031:

Reply to (related document(s): 2978 Response,,,,, filed by Creditor Town of Ramapo, New York) *Debtors' Reply in Further Support of Motion to Disqualify Segal, Goldman, Mazzotta & Siegel, P.C. and its Attorneys* filed by Debtor Mirant Corporation (Attachments: # 1 Proposed Order) (Phelan, Robin)