

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

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

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

ENTERED
TAWANA C. MARSHALL
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

**ORDER GRANTING NICHOLSON & HALL CORPORATION'S MOTION
TO MODIFY AUTOMATIC STAY REGARDING MIRANT CANAL, LLC**

Came on for consideration Nicholson & Hall Corporation's Motion to Modify the Automatic Stay Regarding Mirant Canal, LLC. The Court, after considering the motion and the Debtors' non-opposition thereto, is of the opinion that the motion should be **GRANTED**, only as set forth in this Order. It is therefore

ORDERED that the automatic stay be modified solely to permit Nicholson & Hall Corporation to file and serve a civil action against Mirant Canal, LLC in order that Nicholson & Hall Corporation's lien rights against the property owned by Mirant Canal, LLC located at 9 Freezer Road in Sandwich, Massachusetts are preserved in accordance with Massachusetts General Laws, Chapter 254, § 2. It is further

ORDERED that except as modified by this Order, the automatic stay remains in place as to Canal's obligation to respond to the action, and that Nicholson may not actually prosecute the complaint once filed and served without further order of this Court. It is further

ORDERED that nothing in the order will constitute a finding of the validity or extent of Nicholson's lien or claim against any of the Debtors' estates. It is further

ORDERED that the Debtor and Nicholson and Hall both reserve all rights as to (i) any future action or request by Nicholson to prosecute any complaint against the Debtors; (ii) the

ultimate validity of Nicholson's lien; (iii) the ultimate extent of any and all claims arising from Nicholson's lien and all defenses, counterclaims and rights of setoff or recoupment that Debtors may have with respect to Nicholson's claims; (iv) the dates as of which such claims or damages are determined; and (v) any other claim against any of the Debtors' estates.

Dated: December 11, 2003.



HONORABLE D. MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE

AGREED:

/s/Joseph A. Friedman

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