

ENTERED

TAWANA C. MARSHALL, CLERK

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

**THE DATE OF ENTRY IS
ON THE COURT'S DOCKET**

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

ORDER DENYING 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 [DOCKET NO. 4235]

Upon the motion, dated June 9, 2004 (the "Motion"), of the Official Committee of Unsecured Creditors of Mirant Americas Generation, LLC (the "MAG Committee") to strike the documents identified in the Appellees' Designation of Additional Items to be Included in the Record on Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8006 [Docket No. 4106]; and considering the Debtors' response to the Motion; and it appearing that the Court ~~has~~ ^{may exercise} jurisdiction over this matter; and it appearing that due notice of the Motion has been provided as set forth in the Motion, and that no other or further notice need be provided; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is

- The court expresses no view concerning the position asserted by the Debtors that the District Court, not this court, should decide the Motion. The court's ruling does not prevent any party from seeking further relief with respect to the Motion in District Court.

ORDERED that the Motion is DENIED; and it is further

ORDERED that the MAG Committee is permitted to make a supplemental designation of the items to be included in the record on appeal of the Court's May 10th *Order Further Extending the Exclusive Periods in Which Only the Debtors May Propose and Solicit Acceptances to a Plan or Plans of Reorganization* within sixty (60) days of the entry of this Order.

Dated: June 30, 2004.



HONORABLE D. MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE

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