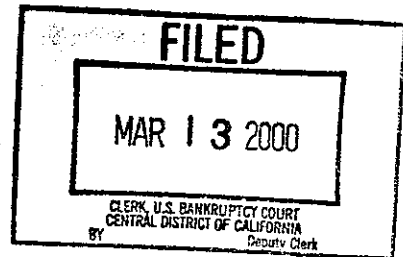
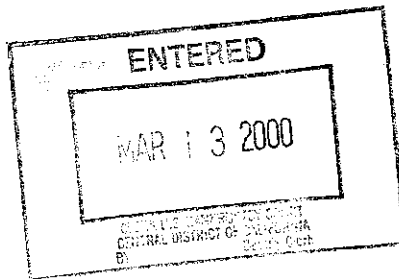


# FOR PUBLICATION



UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA

In re: ) BK CASE NO. SV 96-16075-AG  
)  
SIZZLER RESTAURANTS ) (Jointly administered with:  
11 INTERNATIONAL, INC., ) Case Nos. SV 96-16076-AG  
) SV 96-16077-AG  
12 Debtor. ) SV 96-16078-AG  
) SV 96-16079-AG  
13 XX Affects all Debtors. )  
)  
14 SIZZLER USA RESTAURANTS, INC. )  
)  
15 Plaintiff, ) Chapter 11  
16 vs. ) ADV. NO. 98-1720-AG  
17 ) ORDER RE  
18 BELAIR & EVANS LLP, ) COUNTER-CLAIMANT'S MOTION TO  
) APPROVE VOLUNTARY DISMISSAL  
19 Defendant. ) OF ADVERSARY PROCEEDING; OR  
) ALTERNATIVELY FOR PERMISSIVE  
20 BELAIR & EVANS LLP, ) ABSTENTION  
)  
21 Counterclaimant, )  
22 vs. )  
23 SIZZLER USA RESTAURANTS, INC.; )  
24 KATHRYN T. MCGUIGAN; )  
25 NATIONAL UNION FIRE )  
26 INSURANCE CO., )  
Counterclaim Defendants. )

In accordance with this court's Memorandum of Decision filed  
concurrently, IT IS ORDERED that:

1        1. This court has subject matter jurisdiction over Belair & Evans  
2        LLP's ("Belair") counter-claim against Kathryn T. McGuigan, pursuant to  
3        28 U.S.C. 1334(b), in that this counter-claim constitutes a core  
4        proceeding, or, alternatively, is related to the administration of the  
5        Sizzler bankruptcy estate.

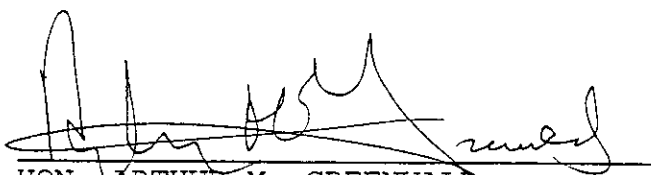
6        2. The court is precluded from exercising its discretion to abstain  
7        from adjudicating Belair's counter-claim pursuant to 28 U.S.C.  
8        1334(c)(1), as there is no pending state court action.

9        3. Belair shall be given twenty days (20) from the date of entry of  
10       this order to file and serve a Notice of Withdrawal of its motion to  
11       dismiss the counterclaim without prejudice.

12       4. In the event Belair does not timely file and serve its Notice  
13       of Withdrawal, the counterclaim is dismissed with prejudice, the court  
14       granting McGuigan's request to dismiss with prejudice the counterclaim,  
15       Belair's motion to dismiss without prejudice is denied.

16       5. In the event that Belair timely files a Notice of Withdrawal,  
17       the court will set a further status conference hearing regarding Belair's  
18       prosecution of its counter-claim, and at that time will set new dates for  
19       hearing on McGuigan's motion for summary judgment and request to file a  
20       third party complaint.

21  
22       Dated: MARCH 13, 2000

  
HON. ARTHUR M. GREENWALD  
United States Bankruptcy Judge

1  
2  
3  
4  
5 UNITED STATES BANKRUPTCY COURT  
6 CENTRAL DISTRICT OF CALIFORNIA  
7

8 In re: ) BK CASE NO. SV 96-16075-AG  
9 SIZZLER RESTAURANTS )  
10 INTERNATIONAL, INC., ) (Jointly administered with:  
11 Debtor. ) Case Nos. SV 96-16076-AG  
SV 96-16077-AG  
SV 96-16078-AG  
SV 96-16079-AG)

12 XX Affects all Debtors. )

13 SIZZLER USA RESTAURANTS, INC. )

14 Plaintiff, )

15 vs. )

16 BELAIR & EVANS LLP, )

17 Defendant. )

Chapter 11  
ADV. NO. 98-1720-AG

18 BELAIR & EVANS LLP, )

19 Counterclaimant, )

20 vs. )

21 SIZZLER USA RESTAURANTS, INC.; )

22 KATHRYN T. MCGUIGAN; )

23 NATIONAL UNION FIRE )

INSURANCE CO., )

24 Counterclaim Defendants. )

NOTICE OF ENTRY OF JUDGMENT OR  
ORDER AND CERTIFICATE OF  
MAILING

25  
26 TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

27 You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1(1)(a)(v), that a judgment or order  
28

1 entitled ORDER RE COUNTER-CLAIMANT'S MOTION TO APPROVE VOLUNTARY  
2 DISMISSAL OF ADVERSARY PROCEEDINGS; OR ALTERNATIVELY FOR PERMISSIVE  
3 ABSTENTION was entered on MAR 13 2000

4 I hereby certify that I mailed a copy of this notice and a true copy of the order or Judgment to the  
5 person(s) and entities listed on MAR 13 2000 \_\_\_\_\_.

6  
7 DATED:

JON D. CERETTO, Clerk

MAR 13 2000

8  
9 By KSJ

10  
11 (A copy of the judgment or order must be attached to this notice.)  
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SERVICE LIST

1  
2  
3 Jason Wallach  
Kenneth Ingber  
4 Herman & Wallach  
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8 Los Angeles, CA 90012  
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