

Name, Address, Telephone No. & I.D. No.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re

Paragon Steakhouse Restaurants, Inc., a Delaware corporation

BANKRUPTCY NO. 08-04152-11

Tax I.D. (EIN) #: _____ / S.S.#: XXX-XX-____ Debtor.

NOTICE OF MOTION FOR ORDER REJECTING LEASES

TO: TO THE HONORABLE JAMES W. MEYERS, THE CLASS 4 CREDITOR TRUST, LANDLORD AL AND CLARA GIANNINI, LANDLORD L.DAVE AND KATHLEEN CUNNINGHAM, THE TWENTY LARGEST UNSECURED CREDITORS AND THE UNITED STATES TRUSTEE:

You are herewith served with the attached Motion by Paragon Steakhouse Restaurants, Inc.,

for: an Order authorizing the Debtor to reject the real and personal property leases associated with its restaurants located in Sacramento, California and Troy, Michigan

and any accompanying declarations.

If you object to the Court granting the relief requested in the Motion:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. *If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:*

- JM - call (619) 557-6019 - DEPARTMENT ONE (Room 218)
- LA - call (619) 557-6594 - DEPARTMENT TWO (Room 118)
- LT - call (619) 557-6018 - DEPARTMENT THREE (Room 129)
- PB - call (619) 557-5157 - DEPARTMENT FOUR (Room 328)

For ALL Chapter 13 cases, call (619) 557-5955.

2. **WITHIN FOURTEEN (14)¹ DAYS FROM THE DATE OF SERVICE OF THE MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184²] upon the undersigned moving party, together with any opposing papers. The

¹If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions.

²You may obtain Local Form CSD 1184 from the office of the Clerk of the U.S. Bankruptcy Court.

opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- a. identify the interest of the opposing party; and
- b. state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 14-day¹ period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

DATED:

/s/ Enid M. Colson

 Attorney for Moving Party

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on ____ day of _____, I served a true copy of the within NOTICE OF MOTION by [describe here mode of service]

on the following persons [set forth name and address of each person served] and/or as checked below:

Attorney for Debtor (if required):
See attached

<input checked="" type="checkbox"/> For Chpt. 7, 11, & 12 cases:	<input type="checkbox"/> For ODD numbered Chapter 13 cases:	<input type="checkbox"/> For EVEN numbered Chapter 13 cases:
UNITED STATES TRUSTEE Department of Justice 402 West Broadway, Suite 600 San Diego, CA 92101	THOMAS H. BILLINGSLEA, JR., TRUSTEE 530 "B" Street, Suite. 1500 San Diego, CA 92101	DAVID L. SKELTON, TRUSTEE 525 "B" Street, Suite 1430 San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on _____
(Date)

(Typed Name and Signature)

(Address)

(City, State, ZIP Code)

1 **PROOF OF SERVICE**

2
3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a
4 party to the within action. My business address is 1100 Glendon Avenue, 14th Floor, Los Angeles, California
90024-3503. On May 23, 2008, I served the within document(s) described as:

5 **NOTICE OF MOTION FOR ORDER REJECTING LEASES**

6 on the interested parties in this action as stated on the attached mailing list.

7 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as
8 set forth on the attached mailing list. I am readily familiar with this firm's practice for collection and
9 processing of correspondence for mailing. Under that practice it would be deposited with the U.S.
10 Postal Service on that same day with postage thereon fully prepaid in the ordinary course of
11 business. I am aware that on motion of the party served, service is presumed invalid if postal
12 cancellation date or postage meter date is more than one day after date of deposit for mailing
13 contained in affidavit.

14 I declare that I am employed in the offices of a member of the State Bar of this Court at whose
15 direction the service was made. I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct.

17 Executed on May 23, 2008, at Los Angeles, California.

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Christine Tapia
(Type or print name)

/s/ Christine Tapia 
(Signature)

1 **SERVICE LIST**

2 ***In re Steakhouse Partners, Inc., In re Paragon Steakhouse Restaurants, Inc.,***
3 ***and In re Paragon of Michigan Inc.***

4 **Debtors in Possession Via E-Mail**

5 Susan Schulze-Claasen
6 Steakhouse Partners, Inc.
7 10200 Willow Creek Road
8 San Diego, California 92131

4 **United States Trustee**

5 United States Trustee
6 United States Department of Justice
7 402 West Broadway, Suite 600
8 San Diego, CA 92101

7 **Secured Creditor Class 4 Creditor Trust -**

8 Sharon Weiss, Esq.
9 Weinstein, Weiss & Ordubegian LLP
10 1925 Century Park East, Suite 1150
11 Los Angeles, CA 90067
12 Facsimile: 310-203-8110
13 Email: sweiss@wwolawyers.com

7 **Class 4 Creditor Trust Trustee**

8 Scott Avila Trustee c/o
9 Corp Revitalization Partners LLC
10 One Park Plaza, Sixth Floor
11 Irvine, CA 92514

12 **Landlord for Sacramento**

13 Al and Clara Giannini
14 c/o PAC Investments
15 786 Ulloa Street
16 San Francisco, CA 94127

12 **Landlord for Troy**

13 L. Dave and Kathleen Cunningham
14 1556 Siskiyou Drive
15 Walnut Creek, A 94598

15 **20 Largest Unsecured Creditors - In re Steakhouse Partners**

16 Mason Matthies
17 RR Donnelley Recievables, Inc.
18 4350 La Jolla Village Drive, Suite 300
19 San Diego, CA 92122

16 Chief Executive Officer
17 Corporate Trust Center
18 Delaware Secretary of State
19 1209 Orange Street
20 Wilmington, DE 19801

21 Officer, Managing or General Agent
22 PR Newswire
23 GPO Box 5897
24 New York, NY 10087

22 **20 Largest Unsecured Creditors Common to In re Steakhouse Partners,
23 Paragon Steakhouse Restaurants & Paragon of Michigan**

23 Christopher Forrester
24 Morrison / Foerster LLP
25 PO Box 60000
26 San Francisco, CA 94160-2497

23 Mitchell C. Littman
24 Littman Krooks LLP
25 655 Third Avenue
26 New York, NY 10017

1 **20 Largest Unsecured Creditors of Paragon Steakhouse Restaurants & Paragon of Michigan**

2 Charles L. Robinson
3 Critical Capital Growth Fund, LP
4 90 Park Avenue, 31st Floor
5 New York, NY. 10016

Richard L. Sandler
Rewards Network (f/n/a Idine)
Two North Riverside Plaza, Suite 950
Chicago, IL 60606

5 Bob Kulkin
6 Central Meat & Provision
7 1603 National Ave
8 San Diego, CA 92113

Froehlich, Richard J.
Froehlich, Richard J. Trs
5411 Muirfield Dr
Bakersfield, CA. 93306-0000

8 Melissa DePonte
9 Realty Income Corporation
10 Department 2428
11 Los Angeles, CA 90084-2428

Attention: Joan
US Foodservice, Inc. Chicago
Box 98612
Chicago, IL. 60693-8612

11 Jack Star
12 1405 Fuerte Heights Lane
13 El Cajon, CA. 92019

Peter M. Gilhuly
Latham & Watkins
633 W. 5th Street, Suite 4000
Los Angeles, CA. 90071

14 Mary Vouti
15 Southwest Traders, Inc.
16 27711 Diaz Road
17 Temecula, CA. 92590

Robert Ernst
Ernst Luce California LLC
12401 Helena Street
Los Angeles, CA. 90049

17 Terri O'Neal
18 Blue Shield of California
19 1210 Commerce Ave, Ste #4
20 Woodland, CA. 95776-9021

James Watt
One Hallidie Plaza, Ste.
San Francisco, CA. 94102

20 Brian Matteoni
21 Tippecanoe Place LLC
22 4945 Palmetto Dunes Court
23 San Jose, CA. 95138

Cliff Rubens
General Produce Co., Ltd.
P. O. Box 308
Sacramento, CA. 95812-0308

23 John Carnesale
24 National Retail Properties, Inc.
25 450 S. Orange Ave, Ste. 900
26 Orlando, FL. 32801

Audie Dudum
Ramallah Inc.
15 Rosebank Ave
Kentfield, CA. 94904

26 Jim Balis
27 Balis d/b/a Restaurant Management Group/
28 Complete Asset Management
29 2913 Whidden St
30 Boise, ID 83702

Denise Russel
Gary A. Yeomans Revocable Living Trust
611 Industrial Parkway
Imlay City, MI. 48444-0369