

**IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE**

<p>FILED</p> <p>August 12, 1998</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

DAVID K. WACHTEL, JR.,)
)
Plaintiff/Appellant,)
)
VS.)
)
THE WESTERN SIZZLIN)
CORPORATION f/k/a FRANCHISEE)
ACQUISITION CORPORATION,)
)
Defendant-Counter)
Claimant/Appellee)
)
VS.)
)
DAVID K. WACHTEL, JR., AND)
RESTAURANT MANAGEMENT)
SERVICES, INC.,)
)
Counter-Defendants.)

Appeal No.
01-A-01-9708-CH-00396

Davidson Chancery
No. 95-781-I

ORDER ON PETITION TO REHEAR

The appellee has filed a respectful Petition to Rehear. After reviewing the grounds for the petition, we are of the opinion that it should be overruled. It is, therefore, ordered that the petition be overruled.

BEN H. CANTRELL, JUDGE

WILLIAM C. KOCH, JR., JUDGE

WALTER W. BUSSART, SPECIAL JUDGE