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FEB 18 2010
NEW MOTOR VEHICLE BOARD

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Attorney(s) for Protestant
MEGA RV CORP. dba
MCMAHON'S RV

FILED
NEW MOTOR VEHICLE BOARD
DATE 2-18-10
BY na

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of MEGA RV CORP. dba MCMAHON'S RV, Protestant, v. ROADTREK MOTORHOMES, INC., Respondent.	**Protest No.** PR-2209-10 **PROTEST** **[Vehicle Code §3075]**

Protestant, MEGA RV CORP., dba MCMAHON'S RV (hereinafter McMahon's), through its attorneys, files this protest under the provisions of California Vehicle Code section 3075 and alleges as follows:

1. Protestant is a new recreational vehicle dealer as that term is defined in the vehicle code and is licensed as such by the California Department of Motor Vehicles. Protestant corporation maintains four dealerships in California, located at 5060 Scotts Valley Drive., Scotts Valley, CA 95066.

2. Respondent, ROADTREK MOTORHOMES, INC. (hereinafter "Respondent" or

"Roadtrek") is a manufacturer/distributor, as that term is defined by the vehicle code, and is licensed by the California Department of Motor Vehicles. Respondent's address is 100 Shirley Avenue, Kitchener Ontario, Canada N2B 2E1.

3. McMahon's and Roadtrek are parties to a franchise, as that term is defined by section 331, pursuant to which McMahon's is afforded the right to sell and service new vehicles manufactured by Roadtrek.

4. Protestant is represented in this matter by the attorneys indicated above.

5. Protestant desires to appear before the Board to protest and present evidence pertaining to Respondent's failure to pay properly submitted warranty claims to Protestant arising out of warranty repair and service work performed.

6. Due to the above, Respondent's actions are in violation of Vehicle Code section 3075

7. Protestant and its attorneys desire to appear before the Board and estimate that the Hearing in this matter will take three (3) days to complete.

8. Wherefore, Protestant McMahon's prays as follows:

1. That the Board schedule and conduct an evidentiary hearing on this protest, pursuant to the provisions of section 3066.

2. That after such evidentiary hearing, the Board render its decision sustaining this Protest and order Respondent to pay the warranty monies owed to Protestant according to proof at the evidentiary hearing on this matter.

3. **That this Protest be consolidated with the already pending Protests involving the same parties.**

4. For such other and further relief as the Board deems proper.

DATED: February 18, 2010

LAW OFFICES OF MICHAEL M. SIEVING

Tina Hopper.

MICHAEL M. SIEVING
TINA HOPPER
Attorney(s) for Protestant
MEGA RV CORP., dba MCMAHON'S RV

PROOF OF SERVICE

I am employed in the City of Santa Ana and the County of Orange, California. I am over 18 years of age and not a party to the within entitled cause; my business address is 1801 Park Court Place, F-101, Santa Ana, California 92701. On the date indicated below, I served the foregoing document(s) described as:

1. PROTEST [VEHICLE CODE §3075]

on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Eric McDonough, Esq.
SEYFARTH SHAW LLP
2029 Century Park East, Suite 3500
Los Angeles, California 90067-3021
[Presumed attorney for Respondent]

Louis S. Chronowski, Esq.
SEYFARTH SHAW LLP
131 South Dearborn Street, Suite 2400
Chicago, Illinois 60603
[Presumed attorney for Respondent]

[X] **(BY MAIL)** The envelope was deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 18, 2010 at Sacramento, California.

Tina Hopper

TINA HOPPER