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NEW MOTOR VEHICLE BOARD

LAW OFFICES OF MICHAEL M. SIEVING

MICHAEL M. SIEVING, Esq. (SBN 119406)

TINA HOPPER, Esq. (SBN 256746)

1801 Park Court Place, Suite F-101

Santa Ana, California 92701

Telephone: (714) 541-0034

Facsimile: (714) 541-5988

email: msieving@sievinglaw.com

thopper@sievinglaw.com

Attorney for Protestant

MEGA RV CORP. dba

MCMAHON'S RV

FILED
NEW MOTOR VEHICLE BOARD
DATE 5-11-10
BY SA

THE STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of

MEGA RV CORP. dba

MCMAHONS RV,

Protestant,

v.

ROADTREK MOTORHOMES, INC.

Respondent.

Protest Number: PR-7733-10

PROTEST

[Vehicle Code §3072]

Protestant, Mega RV Corp. dba McMahons RV, through its attorneys, files this protest under the provisions of California Vehicle Code section 3072 and alleges as follows:

1. Protestant is a new recreational vehicle dealer selling Roadtrek recreational vehicles and is located at 1313 RV Center Drive, #12, Colton, CA 92324. Protestant's telephone number is (866) 392-9392.

2. Respondent distributes/manufactures Roadtrek products and is licensed as such by the California Department of Motor Vehicles. Respondent and Protestant and parties to a franchise, pursuant to which Protestant is afforded the right to sell and service Scooter motorcycles distributed by franchisor, Respondent, to dealers in the United States.

1 3. Protestant is represented in this matter by the Law Offices of Michael M. Sieving,
2 whose address is 1801 Park Court Place, Suite F-101, Santa Ana, California 92701, and telephone
3 number is (714) 541-0034.

4 4. Roadtrek has failed to give notice of its intent to establish an additional Roadtrek dealer
5 at a location which would put McMahan's Roadtrek franchise, Colton, within the new dealership's
6 relevant market area. This failure to give notice is in violation of V.C. Section 3072. Roadtrek did in
7 fact establish a Roadtrek dealer at 902 RV Center Drive, Colton, CA 92324 ("Mike Thompson's RV
8 Superstores").

9 6. There is good cause for sustaining this protest by reason of the following facts:

- 10 (a) Protestant has made a substantial and permanent investment in the dealership.
11 (b) The disruption of the business of Protestant by the establishment of an additional
12 franchise will have a deleterious effect on the retail motor vehicle business and
13 on the consuming public in the relevant market area.
14 (c) It is injurious to the public welfare for an additional dealership to be
15 established.
16 (d) The Roadtrek franchisees in the relevant market area are providing adequate
17 competition and convenient customer care for Roadtrek vehicles, including
18 adequate vehicle sales and service facilities, equipment, supply of vehicle
19 parts, and qualified service personnel.
20 (e) The establishment of an additional franchise will decrease competition and
21 therefore would not be in the public interest.

22 7. Protestants and their attorney(s) desire to appear before the Board and estimate that the
23 Hearing in this matter will take five (5) days to complete.

24 8. A Pre-Hearing Conference is requested.

25 Wherefore, Protestant prays as follows:

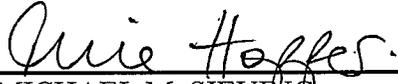
- 26 1. That the Board schedule and conduct an evidentiary hearing on this protest, pursuant to
27 the provisions of Section 3066.
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2. That the New Motor Vehicle Board issue its decision sustaining this Protest.
3. That the New Motor Vehicle Board issue its order not permitting such establishment;
and,
4. For such other and further relief as the New Motor Vehicle Board deems proper.

DATED: May 11, 2010

LAW OFFICES OF MICHAEL M. SIEVING


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

