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JUL 13 2010
NEW MOTOR VEHICLE BOARD

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Attorney for Protestant
MEGA RV CORP. dba MCMAHON'S RV

FILED
NEW MOTOR VEHICLE BOARD
DATE 7-13-10
BY

THE STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

MEGA RV CORP., dba MCMAHON'S RV, Protestant, vs. ROADTREK MOTORHOMES, INC. Respondent.	Protest Number: PR-2245-10 **PROTEST**

Protestant MEGA RV CORP., dba MCMAHON'S RV, through its attorneys, files this Protest under the provisions of **Vehicle Code** section 3070[1] and alleges as follows:

1. Protestant MEGA RV CORP., dba MCMAHON'S RV, (hereinafter "Protestant" or "McMahon's"), is a dealer of new recreational vehicles, as defined in subdivision (a) of section 18010 of the **Health and Safety Code**, and is licensed as such by the California Department of Motor Vehicles. Protestant maintains a dealership at 5060 Scotts Valley Drive, Scotts Valley, CA.

2. Respondent ROADTREK MOTORHOMES, INC., (hereinafter "Respondent" or "ROADTREK"), is a manufacturer, and is licensed by the California Department of Motor Vehicles. Respondent's business address is Roadtrek, 100 Shirley Avenue, Kitchener, Ontario, Canada, N2B 2E1.

[1] All further statutory references are to the California Vehicle Code, unless otherwise noted.

3. Protestant and Respondent are parties to a franchise, as that term is defined by § 331, pursuant to which Protestant is afforded the right to sell as new and service vehicles manufactured by Respondent.

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

5. By letter dated June 14, 2010, Respondent gave notice to McMahon of its intention to terminate the franchise held by Protestant.

6. Respondent's actions as set forth above will result in the termination of Protestant's franchise, without Protestant's consent, in violation of the provisions of section 3070.

7. Respondent does not have good cause to terminate Protestant's franchise by reason of the following facts:

a. Protestant has transacted an adequate amount of ROADTREK business compared to the business available to it.

b. Protestant has incurred substantial obligations to perform its part of the franchise.

c. Protestant has made a substantial and permanent investment in the dealership.

d. It would be injurious to the public welfare for the franchise to be terminated or the business of Protestant disrupted.

e. Protestant has adequate motor vehicle sales and service facilities, equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of ROADTREK customers in the market area and is rendering adequate service to the public.

f. Protestant has fulfilled the ROADTREK warranty obligations to be performed by it.

g. The extent of any failure of Protestant to comply with the terms of the franchise agreement is immaterial.

8. Protestant and its attorneys desire to appear before the New Motor Vehicle Board and estimate that a Hearing on this matter would take at least five (5) days to complete.

9. A Pre-Hearing Conference is requested.

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WHEREFORE, Protestant prays as follows:

1. That the New Motor Vehicle Board schedule and conduct an evidentiary hearing on this Protest pursuant to the provisions of Section 3066;

2. That, after the evidentiary hearing, the New Motor Vehicle Board issue its decision sustaining this Protest and order Respondent not to terminate Protestant's franchise;

3. That pending the decision in this matter, the New Motor Vehicle Board or its secretary or authorized representative immediately notify Respondent that, pursuant to section 3070, Respondent may not terminate or refuse to continue Protestant's franchise until such time as Respondent has established good cause for such actions under the provisions of sections 3070, 3071, and 3066.

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

DATED: July 13, 2010

LAW OFFICES OF MICHAEL M. SIEVING

Tina Hopper

TINA HOPPER
Attorney 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 §3070]

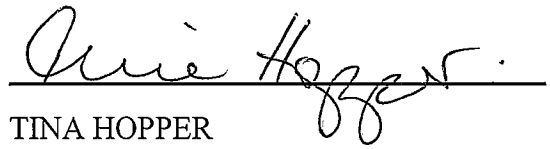
on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Roadtrek Motorhomes, Inc.
100 Shirley Ave.
Kitchener, Ontario N2B 2E1
Canada

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 July 13, 2010 at Sacramento, California.



TINA HOPPER