

1 JEFFER MANGELS BUTLER & MITCHELL LLP
2 ALLEN RESNICK (Bar No. 116458)
3 MATTHEW D. HINKS (Bar No. 200750)
4 RYAN S. MAUCK (Bar No. 223173)
5 1900 Avenue of the Stars, Seventh Floor
6 Los Angeles, California 90067-4308
7 Telephone: (310) 203-8080
8 Facsimile: (310) 203-0567
9
10 Attorneys for Respondent
11 VOLKSWAGEN OF AMERICA, INC.

7 STATE OF CALIFORNIA
8
9 NEW MOTOR VEHICLE BOARD

10 In the Matter of the Protest of:
11 SHAYCO, INC., dba ONTARIO
12 VOLKSWAGEN,
13 Protestant,
14 v.
15 VOLKSWAGEN OF AMERICA, INC.,
16 Respondent.

Protest No. PR-2265-10

**RESPONDENT VOLKSWAGEN OF
AMERICA, INC.'S NOTICE OF NON-
OBJECTIONS TO DECLARATIONS OF
EARL REED AND JOSEPH ROESNER**

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18 Pursuant to the March 26, 2013 Order Establishing Schedule for Submission of Additional
19 Evidence the parties have until April 19, 2013 "to file and serve simultaneous objections" to the
20 supplemental declarations submitted by the parties on April 12, 2013. During the March 13, 2013
21 Meeting of the New Motor Vehicle Board, the Board members confirmed that such objections are
22 limited solely to evidentiary objections "as to why [such declaration] is not admissible evidence,"
23 and not to rebuttal evidence or argument. *See* Transcript of March 13, 2013 Meeting at 67:24-69:5.

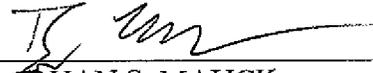
24 Pursuant to Government Code § 11513, a protest hearing before the New Motor Vehicle
25 Board "need not be conducted according to technical rules relating to evidence and witnesses,
26 except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence
27 on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of
28

1 the existence of any common law or statutory rule which might make improper the admission of the
2 evidence over objection in civil actions.”

3 Pursuant to the direction of the Board and the applicable standard regarding admissibility of
4 evidence, Respondent Volkswagen of America, Inc. has no evidentiary objections to the
5 admissibility of the Declarations of Earl Reed and Joseph Roesner submitted by Protestant on April
6 12, 2013.

7 DATED: April 19, 2013

8 JEFFER MANGELS BUTLER & MITCHELL LLP
9 ALLEN RESNICK
10 MATTHEW D. HINKS
11 RYAN S. MAUCK

12 By: 

13 RYAN S. MAUCK

14 Attorneys for Respondent

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES

I am employed in the City and County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1900 Avenue of the Stars, 7th Floor, Los Angeles, California 90067.

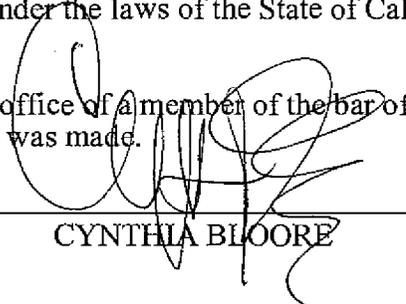
On April 19, 2013, I served the document(s) described as **RESPONDENT VOLKSWAGEN OF AMERICA, INC.'S NOTICE OF NON-OBJECTIONS TO DECLARATIONS OF EARL REED AND JOSEPH ROESNER** in this action by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

Michael J. Flanagan, Esq.
Gavin M. Hughes, Esq.
Law Offices of Michael J. Flanagan
2277 Fair Oaks Blvd., Suite 450
Sacramento, CA 95825
Email: lawmjf@msn.com

- (BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY E-MAIL OR ELECTRONIC TRANSMISSION) I transmitted the above-described document by email in PDF format to the persons listed on the service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.
- (BY OVERNIGHT DELIVERY) I caused said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

Executed on April 19, 2013, at Los Angeles, California.

- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



CYNTHIA BLOORE