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3 5750 Wilshire Boulevard Suite 655
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RECEIVED
AUG 20 2012
NEW MOTOR VEHICLE BOARD

4 Telephone: (323) 937-4730

5 Attorneys for Protestant Aldon, Inc., dba
6 Carson Toyota and Carson Scion

Sent by
Certified Mail

FILED
NEW MOTOR VEHICLE BOARD
DATE 8-16-12
BY SL

7 Postmarked 8-16-12

8 DATE
9 Rec'd by NMVB 8-20-12

NEW MOTOR VEHICLE BOARD

DATE STATE OF CALIFORNIA

10 7001-0320-0002-2372-1453

11 ALDON, INC., a California
corporation, dba CARSON SCION

PROTEST NO. PR-2340-12

12 Protestant,

PROTEST PURSUANT TO VEHICLE
CODE SECTION 3062 AND REQUEST
FOR PRE-HEARING CONFERENCE
AND HEARING

13 vs.

14 TOYOTA MOTOR SALES U.S.A., INC.,
15 a California corporation

16 Respondent.

17
18 1. The respondent is Toyota Motor Sales U.S.A., Inc., a California
19 corporation ("Toyota"). The notice to which this protest relates reflects it
20 being sent from respondent's Los Angeles Regional Office, and protestant is
21 informed and believes states that the address of said Regional Office is 2
22 Banting, Irvine, CA 92618-3602; (949) 727-2700. The notice to which this
23 protest relates was signed by Steven G. Hearne, General Manager.

24 2. Protestant, Aldon, Inc., a California corporation, dba Carson Toyota
25 and Carson Scion is the duly licensed holder of a new motor vehicle dealer's
26 license and is doing business in Carson, California, and its address is 1333
27 E. 223rd Street, Carson, CA 90745; telephone (310) 522-2300.

28 3. Protestant sells and services new Scion motor vehicles, parts, and

1 service pursuant to an agreement and franchise entered into by and between
2 protestant and respondent, wherein respondent is franchisor, and protestant
3 is franchisee.

4 4. By letter (the "Notice") dated August 2, 2012, received by protestant
5 no earlier than August 3, 2012, respondent purportedly gave notice to
6 protestant that respondent intends to permit H.T.L. Automotive, Inc., dba
7 Hooman Scion of Long Beach to relocate its facility to 3399 E. Willow Street
8 and 2679 Redondo Avenue, Long Beach, CA 90808 (the "Proposed
9 Dealership"). The Proposed Dealership is less than ten (10) miles from
10 protestant's place of business. A true and correct copy of the Notice is
11 attached hereto as Exhibit "A."

12 5. Protestant has good cause to request the Board to prevent the
13 establishment of the Proposed Dealership by reason of the following facts:

14 (a) protestant has operated for a substantial period of time as
15 a franchised Scion dealer under a written franchise agreement
16 with respondent;

17 (b) protestant has made a substantial permanent investment in
18 its dealership, having operated it since commencement of said
19 franchise relationship in a manner beneficial to the public and
20 the franchisor, which investment will be harmed or destroyed by
21 the establishment of the Proposed Dealership;

22 (c) protestant has conducted and continues to conduct a
23 substantial and adequate amount of Scion business compared to
24 the business available in the relevant market;

25 (d) protestant has complied with all obligations to be
26 performed by it under the franchise agreement, save only such
27 deviations, if any, as are immaterial or otherwise excused;

28 (e) protestant has adequate motor vehicle sales and service

1 facilities, equipment, parts, and qualified service personnel to
2 reasonably provide for the needs of Scion buyers and owners in
3 the market area, and is rendering adequate service to the public;

4 (f) respondent's Proposed Dealership will result in injury to the
5 public welfare, and ultimately, to competition, especially in light
6 of current conditions respecting respondent's viability and market
7 share, the economy generally, and respondent's expressed goals
8 respecting dealer characteristics, and dealer count.

9 (g) protestant is informed and believes and thereon alleges that
10 the establishment is contrary to other legal, equitable, and
11 contractual obligations of respondent and/or rights of protestant
12 and/or other persons.

13 6. Protestant desires to appear before the Board and to have a hearing
14 on this protest and estimates that the time required for a hearing will be
15 approximately eight (8) days.

16 7. Protestant requests a pre-hearing conference and further requests
17 that a schedule for discovery be approved and ordered and that a hearing
18 date be assigned.

19 8. Protestant desires that all correspondence and notices in these
20 proceedings be served upon its attorneys at the following address:

21 Halbert B. Rasmussen, Esq.
22 Timothy D. Robinett, Esq.
23 Manning, Leaver, Bruder & Berberich
24 Attorneys at Law
25 5750 Wilshire Boulevard Suite 655
26 Los Angeles, California 90036

27 Telephone: (323) 937-4730

28 WHEREFORE, Protestant prays as follows:

1. That the Board sustain this protest and order respondent not to establish the Proposed Dealership;
2. That pending the hearing in this matter, the Board require

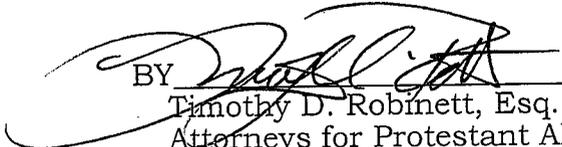
1 respondent to observe the applicable provisions of law prohibiting the
2 establishment of the Proposed Dealership, including sales of Scion products
3 from the proposed new location; and

4 3. That protestant be awarded such other and further relief as the
5 Board deems just and proper.

6
7 DATE: August 16, 2012

MANNING, LEAVER, BRUDER &
BERBERICH

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BY 
Timothy D. Robinett, Esq.
Attorneys for Protestant Aldon, Inc., a
California corporation, dba Carson
Toyota and Carson Scion



Toyota Motor Sales, U.S.A., Inc.
Los Angeles Regional Office
2 Banting
Irvine, CA 92618-3602
949 727-2700
949 727-2810 Fax

Via Certified Mail, Return Receipt Requested

August 2, 2012

Toyota Motor Sales, U.S.A., Inc.
Los Angeles Region
2 Banting, Irvine, CA 92618

Mr. Albert Skinner
Aldon, Inc. dba Carson Toyota and Carson Scion
1333 E. 223rd Street
Carson, CA 90745

Re: Notice of Establishment or Relocation (Veh. Code §§ 3062 (a))

"NOTICE TO DEALER: You have the right to file a protest with the NEW MOTOR VEHICLE BOARD in Sacramento and have a hearing on your protest under the terms of the California Vehicle Code if you oppose this action. You must file your protest with the board within 20 days of your receipt of this notice, or within 20 days after the end of any appeal procedure that is provided by us to you. If within this time you file with the board a request for additional time to file a protest, the board or its executive director, upon a showing of good cause, may grant you an additional 10 days to file the protest."

Dear Mr. Skinner,

This letter constitutes notice, pursuant to California Vehicle Code Section 3062, that Toyota Motor Sales USA, Inc. ("Toyota") intends to permit H.T.L. Automotive, Inc., dba Hooman Toyota of Long Beach and Hooman Scion of Long Beach, to relocate its facility from its current location at 4401 E Pacific Coast Highway, Long Beach, CA 90804 to 3399 E. Willow Street and 2679 Redondo Avenue, Long Beach, CA 90806, which are contiguous to each other.

Sincerely,


Steven G Heame
General Manager

cc: New Motor Vehicle Board
Attention: William G. Brennan
Executive Director

cc: Hooman Nissan (Hooman Toyota of Long Beach and Hooman Scion of Long Beach)

Proof of Service

I, the undersigned, declare and say as follows:

I am 18 years of age or older, employed at the business noted above my signature which is in the county where any mailing herein stated occurred, and not a party to the within action.

On August 16, 2012, I caused to be served the document(s) listed below my signature under the heading "Document(s) Served" by placing a copy of the document(s) (or the original, if so noted below) in individual envelopes for each of the parties listed below my signature under the heading "Parties Served" (except for fax-only service), addressed to them at their last known addresses in this action exactly as shown (excepting parenthetical references to their capacity), there being U.S. Mail delivery service to those addresses used for service by mail, and by sealing said envelopes, and on the same day, as marked with "X," by --

placing each envelope for collection and processing for mailing following my firm's ordinary business practice with which I am readily familiar and under which on the same day correspondence is so placed for mailing it is deposited in the ordinary course of business with the U.S. Postal Service at my business address, 1st-class postage fully prepaid.

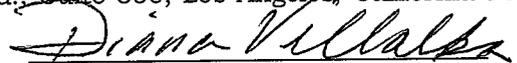
depositing each envelope into the U.S. mail with 1st-class postage fully prepaid at a mail box or collection facility in the city and state of my business address. "Parties Served" lists all parties and counsel served in the within matter, and their respective capacities. [required for federal cases, including bankruptcy, among others]

personal delivery by travelling to the address shown on the envelope and delivering it there during normal business hours or handing the documents to the person served.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this declaration was executed on August 16, 2012 at my business address, 5750 Wilshire Blvd., Suite 655, Los Angeles, California 90036, in the County of Los Angeles.

faxing each page of each document and this proof of service to the parties served at their last known fax numbers as listed below from a fax machine located at my business address which reported no errors and which produced a transmission confirmation report, a true copy of which is attached hereto. [use only if fax service authorized or as a supplement.]

depositing each envelope at a drop box or other facility in the city and state of my business address within the time and pursuant to procedures readily familiar to me necessary for delivery by **Federal Express** on the morning of the next business day or by **courier** on the same day. [use only if overnight or courier service authorized or as a supplement.]


Diana Villalba

Document(s) Served (exact title)

PROTEST PURSUANT TO VEHICLE CODE SECTION 3062 AND REQUEST FOR PREHEARING CONFERENCE AND HEARING

Parties Served (exact envelope address)

Via Certified Mail, Return Receipt Requested

New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814

Steven G. Hearne
General Manager
Toyota Motor Sales U.S.A., Inc.
Los Angeles Regional Office
2 Banting
Irvine, CA 92618-3602

(Regular mail)