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Toyota and Aldon, Inc. dba Carson Scion

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9 **NEW MOTOR VEHICLE BOARD**

10 **STATE OF CALIFORNIA**

11 In the Matter of the Protests of

12 ALDON, INC., a California corporation, d.b.a.
CARSON TOYOTA, and

13 ALDON, INC., a California corporation, d.b.a.
14 CARSON SCION, and

15 CABE BROTHERS, a California corporation,
d.b.a. CABE TOYOTA and CABE SCION

16 APAULO, INC. d.b.a. NORWALK TOYOTA
17 and TOYOTA SCION, and

18 DWWSB, INC. d.b.a. SOUTH BAY TOYOTA
and SOUTH BAY SCION

19 Protestants,

20 v.

21 TOYOTA MOTOR SALES U.S.A., INC., a
22 California Corporation,

23 Respondent.

24 H.T.L AUTOMOTIVE, INC. dba HOOMAN
25 TOYOTA OF LONG BEACH and HOOMAN
26 SCION OF LONG BEACH,

27 Intervening Party.
28

CONSOLIDATED MATTERS:

PROTEST NO. PR-2339-12

PROTEST NO. PR-2340-12

PROTEST NO. PR-2341-12

PROTEST NO. PR-2342-12

PROTEST NO. PR-2343-12

**PROTESTANT ALDON, INC. DBA
CARSON TOYOTA AND CARSON
SCION'S NOTICE OF ERRATA TO ITS
PROPOSED FINDINGS OF FACT AND
OPENING BRIEF**

**Carson Toyota's Notice of Errata to Proposed Findings of Fact and Opening Brief
TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that protestant Carson Toyota submits this Notice of Errata to its Proposed Findings of Fact filed with the New Motor Vehicle Board on August 15, 2013. The following proposed findings of fact contain either typographical errors or citations that were inadvertently omitted:

- [FF 81, 11:18]: "\$1,242,362" should read as "\$1,241,362"
- [FF 85, 12:1]: "\$3,665,33" should read as "\$3,665,333"
- [FF 88, 12:12]: "RT Vol. I, 123:6-13 (Cabe)" should read as "RT Vol. I, 124:6-13 (Cabe)"
- [FF 93]: Citation should include [Ex. 1238 (CABE0001851).]
- [FF 142, 20:9]: "Ex. 1227 (SW000052)" should read as "Ex. 1227 (SW000053)"
- [FF 154, 22:8]: "[RT Vol. III, 69:21-25 (Watkins).]" should read as "[RT Vol. III, 61:24-62:19 (Watkins).]"
- [FF 161, 23:14]: "in 2012" should read "as of February 21, 2012"
- [FF 162, 24:15]: "[Number Reserved]" should read as "[RT Vol. VIII, 141:3-11; 142:3-15; 151:16-153:3 (Matthews); Ex. 1500 (HoCT001807-1818).]"
- [FF 186, 29:9-10]: "RT Vol. VIII, 235:1-22; 121:9-24 (Matthews)" should read as "RT Vol. VIII, 235:1-22; Vol. IX, 121:9-24 (Matthews)"
- [FF 191, 30:8]: "Ex. 1228 (SW000048)" should read as "Ex. 1227 (SW000048)"
- [FF 219, 34:17]: "RT Vol. X, 69:17-72:4; 75:12-76:4 (Matthews)" should read as "RT Vol. IX, 69:17-72:4; 75:12-76:4 (Matthews)"
- [FF 226]: Currently reads as:

Dealership	Measure	Actual	Green Std.	Variance	Percent
Carson Toyota	Facilities	98.02	90.71	7.31	8.06%
	Initial Contact	95.86	94.66	1.20	1.27%
	Product Presentation	94.49	92.36	2.13	2.31%
	Purchase Options	91.87	87.86	4.01	4.56%
	Vehicle Delivery	92.77	90.85	1.92	2.11%
	Follow-Up	91.86	91.87	-0.01	-0.01%

	Contact Outcome	78.37	76.55	1.82	2.38%
Cabe Toyota	Facilities	82.03	90.71	-8.68	-9.57%
	Initial Contact	95.50	94.66	0.84	0.89%
	Product Presentation	94.69	92.36	2.33	2.52%
	Purchase Options	94.74	87.88	6.86	7.81%
	Vehicle Delivery	94.02	90.85	3.17	3.49%
	Follow-Up	93.62	91.87	1.75	1.90%
	Contact Outcome	85.94	76.55	9.39	12.27%
Hooman Toyota	Facilities	89.53	90.71	-1.18	-1.30%
	Initial Contact	95.00	94.66	0.34	0.36%
	Product Presentation	91.83	92.36	-0.53	-0.57%
	Purchase Options	85.76	87.86	-2.10	-2.39%
	Vehicle Delivery	91.70	90.85	0.85	0.94%
	Follow-Up	92.00	91.87	0.13	0.14%
	Contact Outcome	73.05	76.55	-3.50	-4.57%

Should read as:

Dealership	Measure	Actual	Green Std.	Variance	Percent
Carson Toyota	Facilities	98.02	90.71	7.31	8.06%
	Initial Contact	95.86	94.66	1.20	1.27%
	Product Presentation	94.49	92.36	2.13	2.31%
	Purchase Options	91.87	87.88	3.99	4.54%
	Vehicle Delivery	92.77	90.85	1.92	2.11%
	Follow-Up	91.86	91.87	-0.01	-0.01%
	Contact Outcome	78.37	76.55	1.82	2.38%
Cabe Toyota	Facilities	82.03	90.71	-8.68	-9.57%
	Initial Contact	95.50	94.66	0.84	0.89%
	Product Presentation	94.68	92.36	2.32	2.51%
	Purchase Options	94.74	87.88	6.86	7.81%
	Vehicle Delivery	94.03	90.85	3.18	3.50%
	Follow-Up	93.62	91.87	1.75	1.90%
	Contact Outcome	85.94	76.55	9.39	12.27%
Hooman Toyota	Facilities	89.53	90.71	-1.18	-1.30%
	Initial Contact	95.00	94.66	0.34	0.36%
	Product Presentation	91.83	92.36	-0.53	-0.57%
	Purchase Options	85.76	87.88	-2.12	-2.41%
	Vehicle Delivery	91.70	90.85	0.85	0.94%
	Follow-Up	92.00	91.87	0.13	0.14%
	Contact Outcome	73.05	76.55	-3.50	-4.57%

1 • [FF 226, 36:21]: “Ex. 2003 (TMS-PROD_017024)” should read as “Ex. 2003 (TMS-
2 PROD_017004)”

3 • [FF 232]: Currently reads as:

Dealership	Measure	Certified				Expert			
		Actual	Rec.	Var.	Percent	Actual	Rec.	Var.	Percent
Carson Toyota	Engine	11	4	7	175%	8	3	5	167%
	Drivetrain	11	4	7	175%	7	3	4	133%
	Chassis	12	4	8	200%	9	3	6	200%
	Electrical	12	4	8	200%	7	3	4	133%
	Hybrid	7	3	4	133%				
Cabe Toyota	Engine	9	3	6	200%	6	2	4	200%
	Drivetrain	8	3	5	167%	3	2	1	50%
	Chassis	9	3	6	200%	3	2	1	50%
	Electrical	9	3	6	200%	4	2	2	100%
	Hybrid	3	2	1	50%				
Hoomant Toyota	Engine	11	3	8	267%	7	2	5	250%
	Drivetrain	9	3	6	200%	5	2	3	150%
	Chassis	10	3	7	233%	5	2	3	150%
	Electrical	11	3	8	267%	5	2	3	150%
	Hybrid	5	2	3	150%				

16 Should read as:

Dealership	Measure	Certified				Expert			
		Actual	Rec.	Var.	Percent	Actual	Rec.	Var.	Percent
Carson Toyota	Engine	11	4	7	175%	8	3	5	167%
	Drivetrain	11	4	7	175%	7	3	4	133%
	Chassis	12	4	8	200%	9	3	6	200%
	Electrical	12	4	8	200%	7	3	4	133%
	Hybrid	7	3	4	133%				
Cabe Toyota	Engine	11	2	9	450%	7	2	5	250%
	Drivetrain	12	2	10	500%	5	2	3	150%
	Chassis	12	2	10	500%	6	2	4	200%
	Electrical	12	2	10	500%	5	2	3	150%
	Hybrid	5	2	3	150%				
Hooman Toyota	Engine	11	3	8	267%	7	2	5	250%
	Drivetrain	9	3	6	200%	5	2	3	150%
	Chassis	10	3	7	233%	5	2	3	150%
	Electrical	11	3	8	267%	5	2	3	150%
	Hybrid	5	2	3	150%				

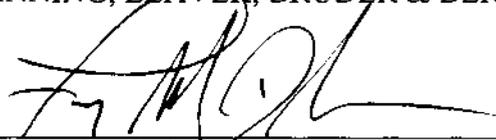
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PLEASE TAKE FURTHER NOTICE that protestant Carson Toyota submits this Notice of Errata to its Opening Brief filed with the New Motor Vehicle Board on August 15, 2013. The following portions contain typographical errors:

- Page 9, line 27: "\$1,242,362" should read as "\$1,241,362"
- Page 13, line 15: "[FF 113]" should read as "[FF 114]"

DATE: October 2, 2013

MANNING, LEAVER, BRUDER & BERBERICH

BY 

Franjo M. Dolenac, Esq., Attorneys for
Protestant Aldon Inc. dba Carson Toyota and
Carson Scion

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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 October 2, 2013, 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.

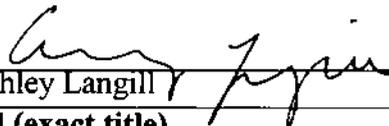
electronically sending by email or by fax each page of each document and this proof of service to the parties served at their last known email address or fax numbers as listed below from a email or fax system located at my business address which reported no errors and which, if by fax, produced a transmission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

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]

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.]

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 October 2, 2013 at my business address, 5750 Wilshire Blvd., Suite 655, Los Angeles, California 90036, in the County of Los Angeles.


Ashley Langill

Document(s) Served (exact title)
PROTESTANT ALDON, INC. DBA CARSON TOYOTA AND CARSON SCION'S NOTICE OF ERRATA TO ITS PROPOSED FINDINGS OF FACT AND OPENING BRIEF

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**Certificate of Service
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