VIA E-MAIL

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Attorney for Protestant

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SEP 22 2017
NEW MOTOR VEHICLE BOARD

FILED
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DATE 9/22/17
BY

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of PORTER AUTO GROUP, L.P., Protestant, v. FCA US LLC, Respondent.	**Protest No.** PR-2536-17 **PROTEST** **(Vehicle Code §3060)** [Jeep]

Protestant, PORTER AUTO GROUP, L.P., ("Protestant" or "Porter"), through its attorney, files this protest under the provisions of California Vehicle Code section 3060 and alleges as follows:

1. Protestant is a new motor vehicle dealer selling and servicing Jeep brand motor vehicles, and is located at 13411 Mono Way, Sonora, California 95370. Protestant's telephone number is 209-288-3700.

2. Respondent FCA US LLC, ("Respondent" or "FCA") manufactures and distributes Jeep (and other) brand products and is the franchisor of Protestant.

3. Protestant is represented in this matter by Michael M. Sieving, Attorney at Law, whose address is 1430 Truxtun Avenue, 5th Floor, Bakersfield, California 93301, with a telephone number of (661) 410-8556.

4. By letter dated September 5, 2017, Respondent notified Protestant of Respondent's intention to terminate the Jeep franchise between the parties, effective on fifteen (15) days from

Protestant's receipt of the notice of termination. Protestant received this notice of termination on or after September 14, 2017.

5. Protestant generally denies each and every allegation contained in the written notice of termination.

6. Respondent does not have good cause to terminate the franchise by reason of the following facts:

(a) Protestant has transacted and is transacting an adequate amount of FCA business compared to the business available to it.

(b) Protestant has made all necessary investments and incurred all necessary 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 for Respondent to terminate the existing franchise.

(e) Protestant has adequate motor vehicle sales and service facilities, equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of FCA consumers and owners in the market area and is rendering adequate services to the public.

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

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

7. Protestant and its attorney desire to appear before the Board and estimate that the hearing in this matter will take 10 days to complete.

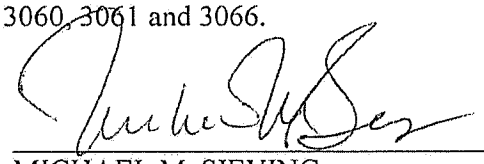
8. A Pre-Hearing Conference is requested.

WHEREFORE, Protestant prays as follows:

1. That the Board sustain this protest and order Respondent not to terminate Protestant's franchise.

2. That pending the hearing in this matter as mandated by Vehicle Code Section 3066, the Board or its authorized representative immediately order Respondent not to terminate Protestant's franchise until such time as Respondent has established good cause for such actions under the

provisions of Vehicle Code sections 3060, 3061 and 3066.



MICHAEL M. SIEVING
Attorney for Protestant
PORTER AUTO GROUP, L. P.

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
NEW MOTOR VEHICLE BOARD)

I am employed in the County of Sacramento, State of California, I am over the age of 18 years and not a party to the within action; my business address is 1430 Truxtun Avenue, 5th Floor, Bakersfield, California 93301.

On this date, September 22, 2017, I served the foregoing documents described as:

PROTEST (Vehicle Code § 3060) - JEEP

I enclosed a true copy of said documents in a sealed envelope or package addressed to the persons noted below.

X (By United States Mail). I placed the envelope for collection and mailing, following our firm's ordinary business practices. I am familiar with our firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

____ (By overnight delivery). I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

____ (By messenger service). I served the documents by placing them in an envelope or package addressed to the persons at the addresses below and providing them to a professional messenger service for service.

____ (By fax transmission). Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

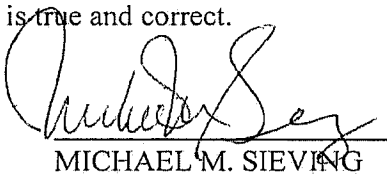
____ (By electronic service). Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

____ (By personal service). I served the documents by delivering the envelope, by hand, to the persons listed below.

____ By ATT E-Mail I caused the above-entitled documents to be served on all parties appearing on the electronic service list for the above-entitled case. The file transmission was reported as completed and a copy of the confirmation will be maintained with the original documents in our office. Service will be deemed effective as provided for in the Electronic Case Management Order. I have complied with California Rules of Court,

Rule 2.257(a) and the original, signed Proof of Service is available for review and copying at the request of the court or any party.

I declare under penalty of perjury under the laws of the State of California I am a member of the State Bar of California and that the above is true and correct.



MICHAEL M. SIEVING

SERVICE LIST

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