

NEW MOTOR VEHICLE BOARD
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STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

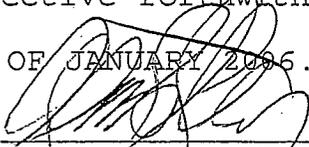
In the Matter of the Protest of)
AUTO STIEGLER, INC.,) Protest No. PR-1898-04
Protestant,)
v.)
MERCEDES-BENZ USA, LLC,)
Respondent.)

DECISION

In accordance with the Los Angeles County Superior Court's Judgment Granting Camarilla Inc., d/b/a V.I.P. Upholstery and Jeffrey Willis' Peremptory Writ of Mandamus, at its regularly scheduled meeting of January 26, 2006, the Public members of the Board set aside its September 30, 2004, adoption of the "Recommendation that the Executive Director seek direction from the New Motor Vehicle Board that Mercedes-Benz USA, LLC, recover attorneys' fees and costs from Camarilla, Inc., d/b/a V.I.P. Auto Upholstery and its attorney for failure to comply with authorized discovery without substantial justification for that failure (Veh. Code § 3050.2(b))", in the above-entitled matter.

This Decision shall become effective forthwith.

IT IS SO ORDERED THIS 26th DAY OF JANUARY 2006.



GLENN E. STEVENS
Presiding Public Member
New Motor Vehicle Board

ORIGINAL FILED
 JAN 04 2006
 LOS ANGELES
 SUPERIOR COURT

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 4

5 Attorney for Petitioners
 Camarilla, Inc., and Jeffrey L. Willis
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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 8 FOR THE COUNTY OF LOS ANGELES
 9

10 Camarilla, Inc., dba VIP Auto Upholstery;)
 11 Jeffrey L. Willis, an individual,)

12 Petitioners)

13 vs.)

14 Executive Director of the California New)
 Motor Vehicle Board)

15 Respondent)
 16)

17 Mercedes-Benz USA, LLC,)

18 Real Party in Interest)
 19)
 20)
 21)
 22)
 23)
 24)
 25)

Case No. BS 093346

~~PROPOSED~~ ^{ce} JUDGMENT GRANTING
 PEREMPTORY WRIT OF MANDAMUS

Hearing:

DATE: December 12, 2005

TIME: 9:30 a.m.

DEPT: 86

JUDGE: The Hon. David P. Yaffe

1 This matter came regularly before this court on December 12, 2005, for hearing in
 2 Department 86 of the Los Angeles Superior Court, the Honorable David P. Yaffe
 3 presiding. Jeffrey L. Willis appeared as attorney for Petitioners. Howard Weinberg and
 4 Dana T. Cartozian appeared as attorneys for the Executive Director of the California New
 5 Motor Vehicle Board, respondent. Daniel C. Tepstein appeared as attorney for Mercedes-
 6 Benz USA, LLC, the real party in interest.

7 The administrative record lodged in this action having been received into evidence
 8 and examined by the court, and each party having submitted briefs and supplemental
 9 briefs in this matter having been received and examined by this court, arguments having
 10 been presented, and the court having made a four page minute order, to serve as its
 11 statement of decision, if required, the court finds for the Petitioners and grants their
 12 Petition for Writ of Mandate and in furtherance of such:

13 **IT IS ORDERED that:**

14 1. A peremptory writ of mandamus shall issue from this court, remanding the
 15 proceedings to respondent and commanding respondent to set aside the action of the New
 16 Motor Vehicle Board of September 30, 2004, in the administrative proceedings entitled In
 17 The Matter of The Protest of Auto Stiegler, Inc., v. Mercedes-Benz USA, LLC, Protest No.
 18 PR-1898-04, whereby the New Motor Vehicle Board adopted the recommendation of its
 19 hearing officer that party Mercedes-Benz USA, LLC recover attorneys' fees and costs
 20 from non-party Camarilla, Inc., dba V.I.P. Auto Upholstery and its attorney, Jeffrey L.
 21 Willis, for their failure to comply with authorized discovery without substantial
 22 justification for that failure [Vehicle Code Section 3050.2(b)].

23 ~~2. The peremptory writ of mandamus shall further command that respondent~~
 24 ~~refrain from taking any action towards enforcement or recovery of these attorneys' fees~~
 25 ~~and costs in any judicial or administrative proceedings.~~

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3. The Petitioners shall recover costs in the amount of
\$ _____

DATE: JAN 04 2006

DAVID P. YAFFE
Judge of the Superior Court