Attorney(s) name(s) and state bar number

Law Firm

Address

Telephone number

Facsimile number

E-mail address

Attorney(s) for Protestant

**SAMPLE PROTEST**

**3072 Establishment**

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of **Protest No.** (leave blank)

|  |  |
| --- | --- |
| NAME OF DEALERSHIP/FRANCHISEE,  Protestant,  v.  NAME OF MANUFACTURER /DISTRIBUTOR/FRANCHISOR,  Respondent. | **Protest [Vehicle Code section 3072]** |

Protestant, [enter Protestant name], files this protest under the provision of California Vehicle Code section 3072 and alleges as follows:

1. Protestant is a new motor dealer selling [enter line make] and is located at [address of dealership]. Protestant’s telephone number is [enter telephone number].

2. Respondent distributes/manufacturer [enter line make] products and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of Attorney or Protestant’s Dealer Principal authorized representative], whose address is [enter address] and telephone number is [enter telephone number].

4. On or about [enter a date], Protestant received from Respondent a notice that Respondent intends to establish a [line make of vehicle] dealership at [enter address].

**[Note: the protest needs to be filed with the Board within 20 calendar days of receipt of the notice]**

5. Protestant is located within the relevant market area of the proposed location.

6. There is good cause under the existing circumstances for not permitting the establishment of the additional dealership, the reason for which include the following:

(a) Protestant has made a substantial and permanent investment in the dealership.

(b) There will be an adverse effect upon the retail motor vehicle business and the consuming public in the relevant market area.

(c) It would be injurious to the public welfare for the additional franchise to be established.

(d) The [enter line make of vehicle] franchisees in the relevant market area are providing adequate competition and convenient consumer care for [enter line make of vehicle] vehicles including adequate motor vehicles sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel.

(e) The establishment of the additional franchise would not be in the public interest.

(f) Other circumstances that would support the claim that there is good cause not to allow the proposed establishment.

7. Protestant and its attorney(s) desire to appear before the Board and estimate that the hearing in this matter will take [enter number of days] days to complete.

8. A Pre-Hearing Conference is requested.

WHEREFORE, Protestant pray as follows:

1. That the Board (or its authorized representative) immediately advise Respondent that a timely protest has been filed;

2. That a hearing of the Protest is required pursuant to Vehicle Code section 3080; and,

3. That, pursuant to Vehicle Code sections 3072 and 3073, Respondent may not establish the proposed dealership if the Board determines that there is good cause for not permitting the establishment of the proposed dealership.

Date: [enter date]

By [signature]

Attorney(s) name(s)

**\*THE PETITION MAY NOT BE PROCESSED WITHOUT AN**

**ATTACHED PROOF OF SERVICE AND A $200.00 FILING FEE**

**PAID BY CHECK, MONEY ORDER OR CREDIT CARD**

**TO COVER PETITIONER’S FILING FEE\***

\* Contact the Board for instructions on credit card payments.

**DISCLAIMER:** This sample provides a basic means for drafting a document for filing with the Board, but the sample should not be mistaken as a substitute for personalized advice from a qualified attorney or other person sufficiently knowledgeable to represent parties before the Board. The Board strives to provide relevant, accurate and complete information.  However, the Board cannot and does not warrant the relevancy, accuracy, completeness or propriety of the information provided in this sample.

Please contact Board staff at 916-445-1888 if you need procedural assistance with this matter.