

Attorney(s) name(s) and state bar number (space below for
Law Firm filing stamp only)
Address
Telephone number
Facsimile number
E-mail address

Attorney(s) for Protestant

SAMPLE PROTEST

3060 Termination (60 Day Notice)

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of	}	Protest No.(leave blank)
NAME OF DEALERSHIP,		
Protestant,		
v.		
NAME OF MANUFACTURER/DISTRIBUTOR,		
Respondent.	}	PROTEST [V.C. sec. 3060]

Protestant, _____, through its attorney(s), 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 is located at _____.
Protestant's telephone number is _____.

2. Respondent distributes/manufactures _____
products and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of
Attorney or Protestant (if representing self)], whose address and
telephone number are _____.

1 4. On or about _____, Protestant received from
2 Respondent a notice that Respondent intends to terminate its existing
3 franchise agreement effective **60 days** from Protestant's receipt of
4 said notice.

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

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

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

11 (b) Protestant has transacted and is transacting an adequate
12 amount of _____ business compared to the business available to
13 it.

14 (c) Protestant has fulfilled the warranty obligations to be
15 performed by it.

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

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

22 (f) It would be injurious to the public welfare for the
23 franchise to be terminated or for Respondent to refuse to continue the
24 existing franchise.

25 7. Protestant and its attorney(s) desire to appear before the
26 Board and estimate that the hearing in this matter will take _____
27 days to complete.

28 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, 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 and 3061.

DATED: _____

By _____

Attorney(s) name(s)
(original signature required)

*** * * * THE PROTEST MAY NOT BE PROCESSED WITHOUT AN * * * ***

ATTACHED PROOF OF SERVICE AND A \$200.00 CHECK TO

COVER PROTESTANT'S FILING FEE

*** (contact the Board for instructions on credit card purchases)**