

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

4 Attorney(s) for Protestant

5
6 **SAMPLE PROTEST**

7 **3070 Termination (60 Day Notice)**

8 STATE OF CALIFORNIA

9
10 NEW MOTOR VEHICLE BOARD

11 In the Matter of the Protest of)
NAME OF DEALERSHIP,) Protest No.(leave blank)
12)
13 Protestant,)
14 v.) **PROTEST**
NAME OF MANUFACTURER/DISTRIBUTOR,) [V.C. sec. 3070]
15)
16 Respondent.)
_____)

17 Protestant, _____, through its attorney(s), files this
18 protest under the provisions of California Vehicle Code section 3070
19 and alleges as follows:

20 1. Protestant is a new recreational vehicle dealer selling
21 _____ and is located at _____.
22 Protestant's telephone number is _____.

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

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

28 ///

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 recreational vehicle sales and, if
19 required by the franchise, service facilities, equipment, vehicle
20 parts, and qualified service personnel to reasonably provide for the
21 needs of _____ buyers and owners in the market area and is
22 rendering adequate services to the public.

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

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

1 8. A Pre-Hearing Conference is requested.

2 WHEREFORE, Protestant prays as follows:

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

5 2. That pending the hearing in this matter, the Board or its
6 authorized representative immediately order Respondent not to
7 terminate Protestant's franchise until such time as Respondent has
8 established good cause for such actions under the provisions of
9 Vehicle Code sections 3070 and 3071.

10
11 DATED: _____

12
13 By _____

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

16
17 * * * * THE PROTEST MAY NOT BE PROCESSED WITHOUT AN * * * *

18 ATTACHED PROOF OF SERVICE AND A \$200.00 CHECK TO

19 COVER PROTESTANT'S FILING FEE

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