

1 GREGORY R. OXFORD (S.B. #62333)
ISAACS CLOUSE CROSE & OXFORD LLP
2 21515 Hawthorne Boulevard, Suite 950
Torrance, California 90503
3 goxford@icclawfirm.com
Telephone: (310) 316-1990
4 Facsimile: (310) 316-1330

5 Attorneys for Respondent
General Motors LLC

6 Of Counsel
7 L. JOSEPH LINES, III
GENERAL MOTORS LLC
8 Mail Code 482-026-601
400 Renaissance Center
9 P.O. Box 400
Detroit, Michigan 48265-4000
10 Telephone: (313) 665-7386
Facsimile: (313) 665-7376
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12 STATE OF CALIFORNIA
13 NEW MOTOR VEHICLE BOARD

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15 In the Matter of the Protest of
16 DEPOT GARAGE, INC.,
17 Protestant,
18 v.
19 GENERAL MOTORS,
20 Respondent.

Protest No.: PR-2315-11

**MOTION TO DISMISS FOR LACK
OF JURISDICTION**

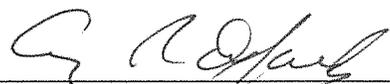
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22 Protestant Depot Garage, Inc. filed this protest under Veh. Code § 3060 as a
23 temporizing maneuver to permit consummation of a buy-sell agreement with a new dealer
24 that has been approved by Respondent General Motors LLC (“GM”). The buy-sell
25 transaction closed on December 22, 2011 and Protestant simultaneously terminated its
26 GM Dealer Agreement voluntarily. See attached Declaration of Ryan R. Henry. As a
27 result, Protestant is no longer a “franchisee” under section 3060, the protest is moot, and
28 the Board no longer has jurisdiction to entertain it.

1 Nonetheless, all efforts by GM representatives to persuade Protestant to file a
2 simple request for voluntary dismissal of the protest have failed. GM therefore is forced
3 to file this motion and seek a coercive dismissal order from the Board.

4 For these reasons, GM respectfully asks the Board to dismiss the protest with
5 prejudice

6 Dated: April 10, 20112

GREGORY R. OXFORD
ISAACS CLOUSE CROSE & OXFORD LLP

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8 By: 
9 _____
10 Gregory R. Oxford
11 Attorneys for Respondent
12 General Motors LLC

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Of Counsel
L. Joseph Lines, III
General Motors LLC

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PROOF OF SERVICE

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 21515 Hawthorne Blvd., Suite 950, Torrance, California 90503.

X VIA U.S. MAIL on April 10, 2012, I served the foregoing document described as **MOTION TO DISMISS FOR LACK OF JURISDICTION** on the parties in this action by U.S. mail, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Jose Reynoso,
General Manager
Depot Garage, Inc.
435 Fourth Avenue
Gustine, CA 95322

Executed on April 10, 2012 at Torrance, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Gwendolyn Oxford