



DECISION COVER SHEET

ACTION BY: Public Members Only

ACTION BY: All Members

To : BOARD MEMBERS

Date: June 13, 2013

From : ADMINISTRATIVE LAW JUDGE: Kymberly Pipkin

CASE: M&M AUTOMOTIVE GROUP, INC., dba INFINITI OF OAKLAND v. INFINITI WEST,
a Division of Nissan North America, Inc.
Protest No. PR-2360-13

TYPE: Vehicle Code section 3060 Termination

PROCEDURE SUMMARY:

- PROTEST FILED ON CALENDAR: January 29, 2013
- MOTION FILED: Respondent's Motion to Dismiss
- COUNSEL FOR PROTESTANT: Michael J. Flanagan, Esq.
Gavin M. Hughes, Esq.
Law Offices of Michael J. Flanagan
- COUNSEL FOR RESPONDENT: Maurice Sanchez, Esq.
Kevin M. Colton, Esq.
Baker & Hostetler LLP

EFFECT OF PROPOSED ORDER:

The Proposed Order would grant Respondent's Motion to Dismiss.

SUMMARY OF PROPOSED ORDER:

- Protestant exercised its unilateral right under the Dealer Agreement to terminate the Dealer Agreement, in compliance with the requirement under the Dealer Agreement that it give 30 days' notice to the franchisor. The parties mutually agreed to extend the effective date of the termination by one month. One week before the extended effective date of the voluntary termination, Protestant asked to rescind it. The franchisor issued a written acceptance of Protestant's voluntary termination, whereupon the Protestant filed its protest, claiming that the franchisor terminated its dealership without good cause.

RELATED MATTERS:

- Related Case Law: There are no published court decisions applicable to this case.
- Applicable Statutes and Regulations: Vehicle Code section 3060.