

CABE BROTHERS' CITATIONS TO THE RECORD

Brief Citation	Portions of Brief Objected to by Intervenor/Respondent Due to Lack of References to Supporting Evidence	References to Supporting Evidence in the Record
2:5-6	It is substantially smaller than those of the other Toyota dealers in the market. It has fewer Units in Operation ("UIO") and presents limited opportunity for sales and service.	Ex. 1258; Ex. 2062; RT Vol. 4 131:14-133:21
2:13-14	Cabe Toyota continues to struggle financially, primarily due to extreme competitive proximity factors and an unusually small assigned PMA.	Ex. 1234; Ex. 1243
2:16	These improvements, which are required by Toyota, cost Cabe Toyota millions of dollars.	Jason Kong Deposition, 94:12-25; RT Vol. 1 139:11-142:4
2:19-21	This proposed move will completely change the playing field and move Hooman Toyota even closer to Cabe Toyota's primary customer base and into the area that is Cabe Toyota's best opportunity to capture additional sales and service business.	RT Vol. 5 76:18-77:24, 79:17-80:6; Ex. 1227, p. 46 map D9
2:22-23	If the proposed relocation is permitted, Hooman Toyota will gain much greater freeway visibility and access to more customers outside its assigned PMA.	RT Vol. 4 129:16-130:12; Ex. 1237; RT Vol. 3 61:3-23
2:26-28	The combination of the increased financial burden to Cabe Toyota as a result of its current facility renovation project together with the adverse impact that he proposed relocation of Hooman Toyota to a freeway visible facility only 2.2 miles away, will undoubtedly cause Cabe Toyota to fail.	RT Vol. 3 67:22-25; Ex. 1224, p 1-2; Ex. 1247 p. 1-2
3:25	The Cabe Toyota dealership was founded by Loy Cabe and was one of the first Toyota dealerships established in California.	Ex. 1001, pp. 1-4

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4:3-4	The great-grandson of Loy Cabe just recently graduated from college and has started working in the sales department of Cabe Toyota.	Agreed to strike.
4:8-9	Although the dealership is fairly accessible, it is not located in a high traffic area, freeway location or auto mall; thus the dealership suffers from a lack of visibility afforded to most other dealers.	RT Vol. 4 145:2-5
4:16-18	However, due to a variety of adverse conditions, including location, proximity of customers, size of primary market area, and other factors, Cabe Toyota's profit has been minimal compared to the average metro Toyota dealer.	Ex. 1013, p. 1; Ex. 1048, p. 1; Ex. 1072, p. 1; Ex. 1122, p. 1; Ex. 1260, p. 1; Ex. 2000, p. 1
4:26-27	The PMA that Toyota has established for Cabe is the smallest in the region.	Ex. 1237
5:8-10	The surrounding dealers are among the largest in the region and no other dealer in the Region has competing dealers with such close proximity on all sides of Cabe.	Ex. 1250
5:25-6:1	Cabe Toyota clearly suffers from proximity challenges in addition to multiple disadvantages of a much smaller PMA. Moving Hooman even closer to Cabe Toyota and into its PMA and customer base near the 405 freeway will make it almost impossible for Cabe Toyota to improve its sales and service market share and eliminate any chance Cabe TOYOTA has to increase revenue in these areas needed to offset the additional overhead costs from their Image II remodel.	RT Vol. 5 76:18-77:24, 79:17-80:6; RT Vol. 3 67:22-25, 75:23; Ex. 1227, p. 46 map D-9

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6:8-10	75% of the UIOs in Cabe Toyota's PMA and its greatest opportunity for sales as well as a majority of Cabe Toyota's current customer base, are those households situated near or to the north of the 405 freeway. This is the same area that Hooman Toyota is proposing to move closer to.	RT Vol. 4 131:14-133:21; RT Vol. 5 79:17-80:6, Ex. 1258
6:20-25	The result from the Hooman relocation <u>will</u> add an additional strain on the business operations that will force Cabe Toyota to close its doors. The relocation will also damage the attractiveness of Cabe Toyota's franchise to the point that if Cabe Toyota is forced to close, selling the franchise will not be an option due to the poor desirability with another competing dealer only 2 miles away on the 405 freeway.	Ex. 1243; RT Vol. 3 67:22-25; Ex. 1224, p 1-2; Ex. 1247 p 1-2
7:23	Beginning in June 2011, Cabe Toyota began construction of its Image II renovation project.	Ex. 1070, pp. 1-5; RT Vol. 2 151:22-152:3, 153:3-154:6; Ex. 1261, p. 4; Ex. 1209
8:26-28	When this loss in sales is considered in combination with the increase in costs to Cabe Toyota as a result of its extensive Image II renovation project, which is currently in progress, the financial result is ruinous to Cabe Toyota's business.	Ex. 1243
9:3-5	The proposed relocation of Hooman Toyota to the north and to the west will leave a larger number of Toyota customers with a longer distance to travel to their nearest Toyota dealership, thus reducing the level of convenient customer care.	RT Vol. 3 35:7-36:17, 61:16-23; Ex. 1227, map D-9
9:9-10	The proposed relocation of Hooman Toyota will result in greater freeway access and visibility for Hooman Toyota.	RT Vol. 3 61:3-16

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15:26-27	The past five years of Hooman Toyota's operations shows a persistent pattern of financial problems and material breaches of the dealership's obligations to Toyota and its lenders.	Ex. 1016, pp. 1-3; Ex. 1018, pp. 1-2; Ex. 1030, pp. 1-3; Ex. 1035, pp. 1-3; Ex. 1042, pp. 1-5; Ex. 1050, pp. 1-3; Ex. 1076, pp. 1-2; Ex. 1094, pp. 1-2; Ex. 1095, pp. 1-2; Ex. 1097, pp. 1-5; Ex. 1099, pp. 1-5; Ex. 1105, pp. 1-6; Ex. 1548, pp. 1-6
16:20-17:3	Early on, Hooman Nissani had an opportunity to purchase the land for his sales department as well as the service department from landlord The Bixby Land Co. The real estate broker working on behalf of The Bixby Land Co., Mr. Patrick Toomey approached Mr. Nissani and provided him with an offering memorandum concerning the property which Hooman Toyota occupied as being offered for sale. Hooman Nissani passed on this opportunity to invest in his Long Beach Toyota dealership and make this investment permanent. Subsequently, the parcels were sold. The sales department land (4401 E. Pacific Coast Highway) was sold to CVS. The service department land (1775 Ximeno Avenue) was sold to a "private investor." Mr. Hooman Nissani subsequently entered into negotiations with CVS Realty representative Kristen Holst to purchase the property for the sales department. Mr. Nissani did not reach a deal. Again, Mr. Nissani passed on an opportunity to make his investment in the Long Beach Toyota dealership permanent.	Agreed to strike
17:4-6	Despite Mr. Nissani's ongoing financial problems at Hooman Toyota, Mr. Nissani did, however, purchase a Nissan dealership located in Signal Hill between Hooman Toyota of Long Beach and Cabe Toyota of Long Beach.	RT Vol. 14 160:8-20

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18:14-15	Hooman Nissani has subsequently never demonstrated that the proposed relocation to 3399 E. Willow Street is viable.	Argument
18:21	Kahrobaves	Should be edited to read "Kahrobaies"
18:28	2011	Should be edited to read "2012"
19:17-18	Suddenly, the threat of litigation by Hooman Toyota changed Toyota's evaluation of the proposed relocation.	Ex. 1150, pp. 1-3; Ex. 1157, pp. 1-2
19:19-20	Toyota and Hooman struck a deal. Toyota would agree to support the relocation if Hooman Nissani agreed to pay the legal costs to defend the anticipated protests.	Ex. 1157, p. 2
19:21-22	The approval of Hooman Toyota's relocation suddenly proceeded quickly, without appropriate due diligence or analysis of the information provided by Mr. Nissani	RT Vol. 10 202:6-19
20:2-5	Hooman Toyota has consistently misrepresented information to Toyota regarding the amount of his facility rent, his rights to the freeway reader board sign located at the proposed relocation site, the challenges regarding his current facility, and his dealership's service volume.	RT Vol. 14 137:7-140:24, 153:9-157:22; Ex. 1100, p. 2; Ex. 1264, p. 5-6
20:5-6	No Pro Forma was prepared as required by Toyota's site evaluation procedures.	Ex. 1043, p 2; Ex. 1164 p 10; Ex. 1165 p 3
20:6	The figures relied upon in the evaluation process were not verified or accurate.	RT Vol. 10 78:23-81:18
20:7-9	Toyota executive management spent just a few hours reviewing a few sales reports that did not provide any information that could be used to reliably predict an outcome or impact from a relocation. [Doug Eroh RT Vol. 10, 202:12-19]	RT Vol. 10 202:12-19

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20:9-10	No service data was reviewed by the executive management decision team.	Ex. 1164, pp. 1-10
20:23-24	THE PROPOSED RELOCATION OF HOOMAN TOYOTA WILL SEVERELY IMPACT CABE TOYOTA	Heading
20:25-28	Relocating Hooman Toyota from the Traffic Circle, located on the opposite side of town from Cabe Toyota, to the proposed freeway location will likely cripple Cabe Toyota to the point that it will no longer be able to provide adequate service for its customers and will, in the end, put Cabe Toyota out of business.	RT Vol. 1 149:12-150:13; RT Vol. 5 88:14-20; RT Vol. 7 171:21-172:22
21:1-2	The relocation will move Hooman Toyota to the 405 freeway, only 2 miles from Cabe Toyota.	Ex. 1017, pp. 1-2; Ex. 1102 p. 1
21:7-11	Since the majority of Cabe Toyota's customers and Toyota owners will have similar drive time to either the proposed Hooman Toyota or Cabe Toyota location, and the proposed Hooman Toyota location will be much larger and much more visible than the Cabe Toyota location, it will be logical to predict that a large number of Cabe Toyota's customers will be cannibalized by Hooman Toyota.	Argument
21:11-14	With the added cost of Cabe Toyota's new facility, a conservative loss of gross profits nearing 10% will be devastating for Cabe Toyota, and even a minimal loss of 3% will have resulted in an annual financial loss for Cabe Toyota in every year for the past 7 years.	RT Vol. 5 87:23-102:6; Ex. 1243
21:22-23	In addition Hooman Toyota will be relocating into Cabe Toyota's PMA as defined by ELMS (Toyota's lead management system).	RT Vol. 4 175:22-177:17; Ex. 1223

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21:24	This will further negatively impact leads that Cabe Toyota receives from Toyota.	RT Vol. 4 175:22-177:17; Ex. 1223
21:25-26	Cabe Toyota will be unable to realize the return on its investment in its new facility and will likely be put out of business.	RT Vol. 3 67:22-25; Ex. 1224, p 1-2; Ex. 1247 p 1-2
22:22-24	This advertisement of free merchandise, gifts or services provided by a dealer contingent on the purchase of a vehicle is a violation of California Vehicle Code section 11713.1(h) and by statute constitutes an unlawful act by such dealer.	Vehicle Code section 11713.1(h)
22:25-26	Hooman Toyota's "VIP" customer program violates California law and is injurious to the public and not good for the Toyota brand.	Vehicle Code section 11713.1(h)