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6 ATTORNEYS FOR PROTESTANT  
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8 **STATE OF CALIFORNIA**  
9 **NEW MOTOR VEHICLE BOARD**

10 In the Matter of the Protest of:  
11

12 STOCKTON AUTOMOTIVE  
DEVELOPMENT LLC dba  
13 STOCKTON NISSAN,

14 Protestant,

15 v.

16 NISSAN NORTH AMERICA, INC.  
17

18 Respondent.  
19

**PROTEST NO: PR-**  
**Vehicle Code Section 3060**

20 Protestant, Stockton Automotive Development, LLC, dba Stockton Nissan, a California  
21 corporation, qualified to do business in California, through its attorneys, files this protest under  
22 provisions of California Vehicle Code Section 3060 and alleges as follows:

23 1. Protestant is a new motor vehicle dealer selling Nissan vehicles and parts, is duly  
24 licensed as a vehicle dealer by the State of California, and is located at 3077 E. Hammer Lane,  
25 Stockton, California 95212. Protestant's telephone number is (209) 956-6500.  
26

27 2. Respondent distributes Nissan products and is the franchisor of Protestant.  
28

1           3.       Protestant is represented in this matter by Law Offices of Michael J. Flanagan, whose  
2 address and telephone number are 2277 Fair Oaks Boulevard, Suite 450, Sacramento, California  
3 95825; (916) 646-9100.

4           4.       On or about November 9, 2012, Protestant received from Respondent a notice dated  
5 November 7, 2012, that Respondent intends to terminate Protestant's franchise agreement.

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

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

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

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

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

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

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

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

21           (g)       Protestant's failure to fulfill Respondent's sales and/or service expectations, if  
22 any, is in whole or in part the result of Respondent's action or inaction, product deficiencies, product  
23 scarcities and/or market conditions.

24           7.       Protestant and its attorneys desire to appear before the Board and/or its designated  
25 hearing officer and estimate that the hearing in this matter will take seven (7) days to complete.  
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27  
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1 WHEREFORE, Protestant prays as follows:

2 1. That the Board sustain this protest and order Respondent not to terminate Protestant's  
3 Nissan franchise nor refuse to continue its existing franchise.

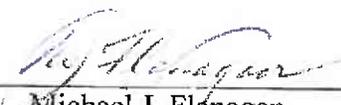
4 2. That pending the hearing in this matter, the Board or its executive director or authorized  
5 representative immediately order Respondent not to terminate or refuse to continue Protestant's franchise  
6 until such time as Respondent has established good cause for such actions under the provisions of Vehicle  
7 Code Sections 3060 and 3061.

8 3. That a pre-hearing conference be set and the parties notified thereof.

9 4. That Protestant be awarded such other and further relief as the Board deems just and  
10 proper.  
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12  
13 Dated: November 15, 2012

LAW OFFICES OF  
MICHAEL J. FLANAGAN

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16 By:   
17 Michael J. Flanagan  
18 Attorneys for Protestant  
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