

1 NEW MOTOR VEHICLE BOARD
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8 STATE OF CALIFORNIA
9 NEW MOTOR VEHICLE BOARD

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11 In the Matter of the Protest of
12 SANTA CRUZ NISSAN, INC., dba SANTA
13 CRUZ NISSAN,
14 Protestant,
15 v.
16 NISSAN NORTH AMERICA, INC.,
17 Respondent.

Protest No. PR-2358-13

**ORDER CONDITIONALLY
SUSTAINING THE PROTEST AND
REMANDING THE MATTER**

18 To: Michael J. Flanagan, Esq.
Gavin M. Hughes, Esq.
19 Danielle R. Vare, Esq.
Attorneys for Protestant
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22 Maurice Sanchez, Esq.
Lisa M. Gibson, Esq.
23 Attorneys for Respondent
BAKER & HOSTETLER LLP
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Costa Mesa, California 92626-7221

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1 1. At its July 15, 2014, General Meeting, the Public Members of the Board met and
2 considered the administrative record and Proposed Decision dated July 3, 2014, in the above-entitled
3 protest. After such consideration, the Board conditionally sustained the protest and remanded the matter
4 to the Administrative Law Judge ("ALJ") with the following instructions:

5 a. Vehicle Code section 3067 permits the Board to impose conditions upon its decisions so
6 long as the conditions are such as to meet the following language:

7 ...Conditions imposed by the board shall be for the purpose of assuring performance of
8 binding contractual agreements between franchisees and franchisors or otherwise serving
9 the purposes of this article...

10 b. The ALJ shall recommend conditions for the Board to impose consistent with
11 Section 3067 and establish a time frame for Protestant to comply with those conditions. The ALJ
12 shall have discretion, if deemed necessary, to order additional evidence, briefing, and/or
13 arguments.

14 2. The parties are strongly encouraged to engage in settlement discussions and set a
15 Mandatory Settlement Conference with a Board appointed ALJ.

16 SO ORDERED.

17 DATED: July 17, 2014

NEW MOTOR VEHICLE BOARD

18
19 By William G. Brennan
20 for GLENN E. STEVENS
21 President