

HAND DELIVERED

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FILED
NEW MOTOR VEHICLE BOARD
DATE 2-22-10
BY Rt

ATTORNEYS FOR PROTESTANT

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of:

WEST COVINA MOTORS, INC., dba
CLIPPINGER CHEVROLET,

Protestant,

v.

GENERAL MOTORS, LLC

Respondent.

PROTEST NO: PR- 2213 - 10
Vehicle Code Section 3060

Protestant, West Covina Motors, Inc., dba Clippinger Chevrolet, a California corporation, qualified to do business in California, through its attorneys, files this protest under provisions of California Vehicle Code Section 3060 and alleges as follows:

1. Protestant is a new motor vehicle dealer selling Chevrolet vehicles and parts, is duly licensed as a vehicle dealer by the State of California, and is located at 1932 East Garvey Avenue South, West Covina, California 91791. Protestant's telephone number is (626) 616-3580.

2. Respondent distributes Chevrolet products and is the franchisor of Protestant.

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 February 2, 2010, Protestant received from Respondent a notice dated
5 January 28, 2010; 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

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

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

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

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

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

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

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

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

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

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

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

4. That Protestant be awarded such other and further relief as the Board deems just and proper.

Dated: February 19, 2010

LAW OFFICES OF
MICHAEL J. FLANAGAN

By: 
Gavin M. Hughes
Attorneys for Protestant

DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, Valerie A. Coffey, declare that I am employed in the County of Sacramento, State of California, that I am over 18 years of age, and that I am not a party to the proceedings identified herein. My business address is 2277 Fair Oaks Boulevard, Suite 450, Sacramento, California, 95825.

I declare that on February 19, 2010, I caused to be served a true and complete copy of:

PROTEST

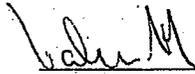
*Clippinger Chevrolet v GM
Protest No. PR-Unassigned*

By First Class Mail:

Chris Shane
Zone Manager
General Motors LLC
MC 482-A06-C66
100 GM Renaissance Center
Detroit, MI 48265-1000

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19 February, 2010, Sacramento, California.



Valerie A. Coffey