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9 STATE OF CALIFORNIA
10 NEW MOTOR VEHICLE BOARD

11 In the Matter of the Protest of:

12 WEST COVINA MOTORS, INC., dba
13 CLIPPINGER CHEVROLET,

14 Protestant,

15 v.

16 GENERAL MOTORS LLC,

17
18 Respondent.

Protest Nos.: PR-2348-12 and PR-2213-10

**RESPONSE TO RESPONDENT'S MOTION
TO DISMISS FOR LACK OF
JURISDICTION PROTESTANT'S
REQUEST THAT THE BOARD EXERCISE
ITS CONTINUING JURISDICTION OVER
THE CONFIDENTIAL STIPULATED
DECISION OF THE BOARD RESOLVING
PROTEST**

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20 Protestant, West Covina Motors, Inc. ("WCM"), dba Clippinger Chevrolet respectfully requests
21 that the California New Motor Vehicle Board ("Board") refuse to consider Respondent, General Motors
22 LLC's ("GM") Motion to Dismiss for Lack of Jurisdiction Protestant's Request That the Board Exercise
23 Its Continuing Jurisdiction Over the Confidential Stipulated Decision of the Board Resolving Protest
24 ("Motion"). The present Motion is in response to Protestant's Request before the Board to which
25 Respondent has already filed a responsive pleading as permitted by the Board's January 20, 2015, Order
26 setting the Briefing Schedule (Ex. 1).

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1 **ARGUMENT**

2 WCM hereby incorporates within, as though fully set forth herein, all briefings and oral
3 arguments already submitted to the Board in these matters.

4 Presently, there are two matters before the Board: (1) a motion to dismiss PR-2348-12; and (2) a
5 Request for the Board to Exercise its Continuing Jurisdiction Over the Confidential Stipulation of the
6 Board Resolving Protest. Both matters have been briefed and arguments have already been presented
7 and heard by Administrative Law Judge (“ALJ”) Skrocki on February 19, 2015, and deemed submitted.
8 During oral arguments, a portion of a letter from the bankruptcy trustee’s attorney, John Tedford, to
9 Michael Flanagan was read into the record. GM’s counsel then offered the same contentions as set forth
10 in its present motion. ALJ Skrocki invited the submission of that letter by WCM (Ex. 2). The invitation
11 and subsequent submission of the letter did not reopen the door for further briefing on these matters
12 already taken under submission by ALJ Skrocki.

13 As is borne out in the original transcript (“Transcript”) of the argument before ALJ Skrocki on
14 February 19, 2015, all of the arguments and issues raised by GM in its current motion have already been
15 submitted to the Board (*see* Ex. 2, Transcript at 53:12-17, et seq.) and GM’s counsel himself argued that
16 no further briefing should be required and that GM, in essence, had nothing further to say (Transcript at
17 70:3-8, 71:17-21, 73:15-74:5). Therefore, WCM submits that GM’s current motion is unauthorized and
18 GM has already conceded there is no further briefing necessary and nothing further to argue.

19 On these grounds, WCM requests the Board refuse to consider GM’s motion and/or dismiss it
20 outright.

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24 Dated: March 3, 2015

LAW OFFICES OF
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25
26 By: 
27 Michael J. Flanagan
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