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Attorney(s) for Protestant

SAMPLE PROTEST
3072 Relocation

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of

NAME OF DEALERSHIP/FRANCHISEE,

Protestant,

v.

**NAME OF MANUFACTURER/DISTRIBUTOR/
FRANCHISOR,**

Respondent.

Protest No. (leave blank)

PROTEST

[Vehicle Code §3072]

Protestant, [enter Protestant's name], files this protest under the provisions of California Vehicle Code section 3072 and alleges as follows:

1. Protestant is a new recreational vehicle dealer selling [enter line-make] and is located at [address of dealership]. Protestant's telephone number is [enter telephone number].

2. Respondent distributes/manufactures [enter line-make] products and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of Attorney or Protestant's Dealer Principal or authorized representative], whose address is [enter address] and telephone number is [enter telephone number].

1 4. On or about [enter date], Protestant received from Respondent a notice that Respondent
2 intends to relocate [name of dealer to be relocated] to [proposed location].

3 **[Note: the protest needs to be filed with the Board within 20 days of receipt of the notice]¹**

4 5. Protestant is located within the relevant market area of the proposed location.

5 6. There is good cause under the existing circumstances for not permitting the relocation of
6 the dealership, the reasons for which include the following:

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

8 (b) There will be an adverse effect upon the retail recreational vehicle business and the
9 consuming public in the relevant market area.

10 (c) It would be injurious to the public welfare for the franchise to be relocated.

11 (d) The [enter line-make] franchisees in the relevant market area are providing adequate
12 competition and convenient consumer care for [enter line-make] vehicles including adequate recreational
13 vehicle sales and, if required by the franchise, service facilities, equipment, supply of vehicle parts, and
14 qualified service personnel.

15 (e) The relocation of the franchise would not be in the public interest.

16 (f) Other circumstances that would support the claim that there is good cause not to allow the
17 proposed relocation.

18 7. Protestant and its attorney(s) desire to appear before the Board and estimate that the
19 hearing in this matter will take [enter number of days] days to complete.

20 8. A Pre-Hearing Conference is requested.

21 WHEREFORE, Protestant prays as follows:

22 1. That the Board (or its authorized representative) immediately advise Respondent that a
23 protest has been filed;

24 2. That a hearing of the Protest is required pursuant to Vehicle Code section 3080; and,

25 ///

26 ///

27 _____

28 ¹ If, within this period of time, a franchisee files with the Board a request for additional time to file a protest, the Board or its Executive Director, upon a showing of good cause, may grant an additional 10 days to file the protest.

3. That, pursuant to Vehicle Code sections 3072 and 3073, Respondent may not relocate the dealership if the Board determines that there is good cause for not permitting the relocation of the existing dealership.

Date: [enter date]

By [signature]
Attorney(s) name(s)

**THE PROTEST MAY NOT BE PROCESSED WITHOUT AN
ATTACHED PROOF OF SERVICE AND
THE \$200.00 FILING FEE PAID BY CHECK**

DISCLAIMER: This sample provides a basic means for drafting a document for filing with the Board, but the sample should not be mistaken as a substitute for personalized advice from a qualified attorney or other person sufficiently knowledgeable to represent parties before the Board. The Board strives to provide relevant, accurate and complete information. However, the Board cannot and does not warrant the relevancy, accuracy, completeness or propriety of the information provided in this sample.