

Attorney(s) name(s) and state bar number
Law Firm
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Attorney(s) for Protestant

SAMPLE PROTEST

3062 Establishment

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 §3062]

Protestant, [enter Protestant's name], files this protest under the provisions of California Vehicle Code section 3062 and alleges as follows:

1. Protestant is a new motor 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].

4. On or about [enter date], Protestant received from Respondent a notice that Respondent intends to establish a [enter line-make] dealership at [enter address].

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

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

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

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

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

(c) It would be injurious to the public welfare for the additional franchise to be established.

(d) The [enter line-make] franchisees in the relevant market area are providing adequate competition and convenient consumer care for [enter line-make] vehicles including adequate motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel.

(e) The establishment of the additional franchise would not be in the public interest.

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

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

8. A Pre-Hearing Conference is requested.

WHEREFORE, Protestant prays as follows:

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

2. That a hearing of the Protest is required pursuant to Vehicle Code section 3066; and,

3. That, pursuant to Vehicle Code sections 3062 and 3063, Respondent may not establish the

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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.

proposed dealership if the Board determines that there is good cause for not permitting the establishment of the proposed 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.