

1 Attorney(s) name(s) and state bar number
2 Law Firm
3 Address
4 Telephone number
5 Facsimile number
6 E-mail address

7 Attorney(s) for Protestant

8 **SAMPLE PROTEST**
9 **3060 Modification**

10 STATE OF CALIFORNIA
11 NEW MOTOR VEHICLE BOARD

12 In the Matter of the Protest of

13 **Protest No. (leave blank)**

14 **NAME OF DEALERSHIP/FRANCHISEE,**

15 **PROTEST**

16 Protestant,

17 **[Vehicle Code section 3060]**

18 v.

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

21 Respondent.

22 Protestant, [enter Protestant's name], files this protest under the provisions of California
23 Vehicle Code section 3060(b) and alleges as follows:

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

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

28 3. Protestant is represented in this matter by [Name of Attorney or Protestant's

1 Dealer Principal or authorized representative], whose address is [enter address] and telephone
2 number is [enter telephone number].

3 4. On or about [enter a date], Protestant received from Respondent a notice that
4 Respondent intends to modify or replace its existing franchise with a succeeding franchise.

5 **[Note: the protest needs to be filed with the Board within 30 calendar days of receipt of the notice]**

6 5. Respondent's actions will result in the modification (or replacement) of
7 Protestant's franchise without Protestant's consent, and such modification (or replacement) will
8 substantially affect Protestant's sales and service obligations and investments.

9 6. Respondent does not have good cause to modify (or replace) the franchise
10 considering the existing circumstances as stated in Vehicle Code section 3061. These
11 circumstances include but are not limited to all of the following:

12 (a) Amount of business transacted by the franchisee, as compared to the business
13 available to the franchise.

14 (b) Investment necessarily made and obligations incurred by the franchisee to
15 perform its part of the franchise.

16 (c) Permanency of the investment.

17 (d) Whether it is injurious to the public welfare for the franchise to be modified.

18 (e) Whether the franchisee has adequate motor vehicle sales and service facilities,
19 equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of
20 the consumers for the motor vehicles handled by the franchisee and has been and is rendering
21 adequate services to the public.

22 (f) Whether the franchisee fails to fulfill the warranty obligations of the franchisor to
23 be performed by the franchisee.

24 (g) Extent of franchisee's failure to comply with the terms of the franchise.

25 (h) Other circumstances that would support the claim that there is not good cause to
26 modify Protestant's franchise.

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

