

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

5 Attorney(s) for Protestant

6  
7 **SAMPLE PROTEST**  
8 **3062 Establishment**

9 STATE OF CALIFORNIA

10 NEW MOTOR VEHICLE BOARD

11 In the Matter of the Protest of

12 **NAME OF DEALERSHIP/FRANCHISEE,**

13 Protestant,

14 v.

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

17 Respondent.

**Protest No. (leave blank)**

**PROTEST**

**[Vehicle Code §3062]**

19  
20 Protestant, [enter Protestant's name], files this protest under the provisions of California Vehicle  
21 Code section 3062 and alleges as follows:

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

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

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

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

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

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 establishment  
6 of the additional 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 motor vehicle business and the consuming  
9 public in the relevant market area.

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

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 motor vehicle  
13 sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel.

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

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

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

19          8.       A Pre-Hearing Conference is requested.

20          WHEREFORE, Protestant prays as follows:

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

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

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

25 ///

26 \_\_\_\_\_  
27  
28 <sup>1</sup> 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.

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

3  
4 Date: [enter date]

5 By [signature]  
6 Attorney(s) name(s)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

20  
21 **THE PROTEST MAY NOT BE PROCESSED WITHOUT AN**  
22 **ATTACHED PROOF OF SERVICE AND THE \$200.00 FILING FEE**  
23 **PAID BY CHECK OR BY PHONE WITH A CREDIT CARD (916-445-1888)**  
24

25 **DISCLAIMER:** This sample provides a basic means for drafting a document for filing with the  
26 Board, but the sample should not be mistaken as a substitute for personalized advice from a  
27 qualified attorney or other person sufficiently knowledgeable to represent parties before the  
28 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.