

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

DOAH CASE NO.: 09-0720
DMV CASE NO.: 09-0540
FINAL ORDER NO.: HSMV-09- 1194 -S-DMV

2009 AUG 11 A 10:42
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

KAWASAKI MOTORS CORPORATION
U.S.A.,

Petitioner,

vs.

FUN BY LAND AND SEA, INC.,

Respondent.

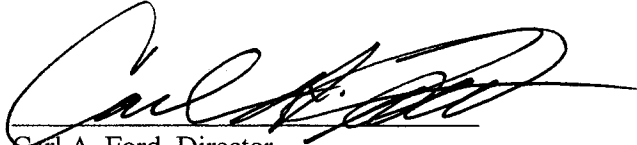
FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of an Order Closing File by Ella Jane P. Davis, an Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order. The Department hereby adopts the Order Closing File as its Final Order in this matter. Said Order Closing file was predicated upon Respondent's Notice of Voluntary Dismissal with prejudice.

Accordingly, it is hereby

ORDERED that the Dealer Sales and Service Agreement between Kawasaki Motors Corporation, U.S.A. and Fun By Land and Sea, Inc. is terminated.

DONE AND ORDERED this 6th day of August, 2009, in Tallahassee, Leon
County, Florida.



Carl A. Ford, Director
Division of Motor Vehicles
Department of Highway Safety and Motor Vehicles
Neil Kirkman Building
Tallahassee, Florida 32399


Nalini Vinayak, Dealer License Administrator

Filed with the Clerk of the
Division of Motor Vehicles
this 7th day of August, 2009.

NOTICE OF APPEAL RIGHTS

Judicial review of this order may be had pursuant to section 120.68, Florida Statutes, in the District Court of Appeal for the First District, State of Florida, or in any other district court of appeal of this state in an appellate district where a party resides. In order to initiate such review, one copy of the notice of appeal must be filed with the Department and the other copy of the notice of appeal, together with the filing fee, must be filed with the court within thirty days of the filing date of this order as set out above, pursuant to Rules of Appellate Procedure.

CAF:vlg

Copies furnished:

Donald St. Denis, Esquire
St. Denis & Davey
1300 Riverplace Boulevard, Suite 101
Jacksonville, Florida 32207

Dean Bunch, Esquire
Nelson Mullins Riley & Scarborough LLP
3600 Maclay Boulevard South, Suite 202
Tallahassee, Florida 32309

Ella Jane P. Davis
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

Michael J. Alderman, Esquire
Assistant General Counsel
Department of Highway Safety and Motor Vehicles
Neil Kirkman Building, Rm. A-432-02
Tallahassee, Florida 32399-0504

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602

Nalini Vinayak
Dealer License Section

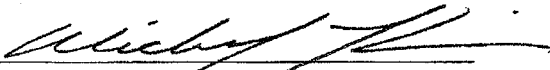
STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

KAWASAKI MOTORS CORPORATION,)
U.S.A.,)
)
Petitioners,)
)
vs.) Case No.: 09-0720
)
FUN BY LAND AND SEA, INC.,)
)
Respondents.)
_____)

NOTICE OF VOLUNTARY DISMISSAL

Respondents, FUN BY LAND & SEA, INC., by and through its undersigned counsel and pursuant to Rule 1.420(c) of the Florida Rules of Civil Procedure, hereby files this Notice of Voluntary Dismissal with prejudice of its Petition for Administrative Proceedings and determination of unfair termination under § 320.641(3), Florida Statutes, by Petitioner, KAWASAKI MOTORS CORPORATION, U.S.A., in the above titled action. Each party to this action shall bear their own attorney fees and costs.

ST. DENIS & DAVEY, P.A.


DONALD W. ST. DENIS, ESQUIRE
Florida Bar Number 0794864
MICHAEL J. LUFKIN, ESQUIRE
Florida Bar Number 0030492
1300 Riverplace Boulevard, Suite 101
Jacksonville, Florida 32207
(904) 396-1996 – Telephone
(904) 396-1991 – Facsimile
Attorneys for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile and U.S. Mail this 24th day of July, 2009, to **C. Everett Boyd, Jr., Esq.**, *Attorney for Petitioner*, Nelson Mullins Riley & Scarborough, LLP, 3600 Maclay Boulevard South, Suite 202, Tallahassee, FL 32312; and **Dean Bunch, Esq.**, *Attorney for Petitioner*, Nelson Mullins Riley & Scarborough, LLP, 3600 Maclay Boulevard South, Suite 202, Tallahassee, FL 32312; and by U.S. Mail to **Michael J. Alderman, Esq.**, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, Room A-432, 2900 Apalachee Parkway, Tallahassee, FL 32344.


Attorney