

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**DOAH CASE NO.: 15-4413, 15-4427
DMS CASE NO.: 15-1279, 15-1280
FINAL ORDER #: HSMV-15- 1282 -S-MS**

**GMVT MOTORS, LLC, d/b/a DAVID
MAUS CHEVROLET,**

Petitioner,

vs.

**GENERAL MOTORS, LLC AND STARLING
CHEVROLET-CADILLAC, LLC,**

Respondents.

_____/ **SAI ORLANDO CS, LLC**

Petitioner,

vs.

**GENERAL MOTORS, LLC AND STARLING
CHEVROLET-CADILLAC, LLC,**

Respondents.

_____/


FINAL ORDER

This matter came before the Department for entry of a Final Order upon submission of an Order Closing File by the Honorable G.W. Chisenhall, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Respondent's Motion to Dismiss for Mootness Based Upon Withdrawal of Relocation Request, 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.

Accordingly, it is hereby

ORDERED and **ADJUDGED** that Respondent, Starling Chevrolet-Cadillac, LLC, shall not be permitted to relocate its dealership from 2800 South Highway 17 92, Deland, Florida 32720 to the corner of Graves and Interstate 4, Deltona, Florida 32720.

DONE AND ORDERED this 15th day of October, 2015, in Tallahassee, Leon County, Florida.



Julie W. Gentry, Chief
Bureau of Dealer Services
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room B372
Tallahassee, Florida 32399

Filed with the Clerk of the
Division of Motorist Services
this _____ day of October, 2015.

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.

Copies furnished:

C. Davis Bauman
Berkshire Hathaway Automotive
1550 East Missouri Avenue, Suite 300
Phoenix, Arizona 85014

Carlos Latour
General Motors, LLC
100 GM Renaissance Center
Mail Code: 482-A16-C66
Detroit, Michigan 48265

John C. Starling
Starling Chevrolet-Cadillac, LLC
2800 South Highway 17-92
Deland, Florida 32720

Frank H. Killgore, Esquire
Killgore, Pearlman, Stamp
Ornstein & Squires, P.A.
2 South Orange Avenue, 5th Floor
Orlando, Florida 32802

Mark L. Ornstein, Esquire
Killgore, Pearlman, Stamp
Ornstein & Squires, P.A.
Post Office Box 1913
Orlando, Florida 32802

Steven I. Klein, Esquire
Rumberger, Kirk & Caldwell
300 South Orange Avenue
Orlando, Florida 32801

The Honorable G.W. Chisenhall
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Nalini Vinayak
Dealer License Administrator

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

GMVT MOTORS, LLC, d/b/a DAVID
MAUS CHEVROLET,

Petitioner,

vs.

Case No. 15-4413

GENERAL MOTORS, LLC AND STARLING
CHEVROLET-CADILLAC, LLC,

Respondents.

SAI ORLANDO CS, LLC,

Petitioner,

vs.

Case No. 15-4427

GENERAL MOTORS, LLC AND STARLING
CHEVROLET-CADILLAC, LLC,

Respondents.

ORDER CLOSING FILES

This cause comes before the undersigned on Respondent's Motion to Dismiss Based on Mootness, filed on September 1, 2015. The undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. The motion is granted.
2. The final hearing scheduled for March 21 through 25 and 28 through 31, 2016, is canceled.
3. The files of the Division of Administrative Hearings are closed.

DONE AND ORDERED this 2nd day of September, 2015, in Tallahassee, Leon County, Florida.

Garnett C Chisenhall
G. W. CHISENHALL
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 2nd day of September, 2015.

COPIES FURNISHED:

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Deland, Florida 32720

William Edward Van Cott
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(eServed)

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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CASE NO.: 15-4413

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_____/

SAI ORLANDO CS, LLC,

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CASE NO.: 15-4427

GENERAL MOTORS LLC AND STARLING
CHEVROLET-CADILLAC, LLC,

Respondents.

_____/

**RESPONDENT GENERAL MOTORS LLC'S MOTION TO DISMISS FOR
MOOTNESS BASED UPON WITHDRAWAL OF RELOCATION REQUEST**

Respondent General Motors LLC ("General Motors"), through its counsel, files this Motion to Dismiss on the basis that this matter is moot and states:

1. This matter involves protests asserted by GMVT Motors LLC d/b/a David Maus Chevrolet and SAI Orlando CS, LLC regarding the proposed relocation of Starling Chevrolet-Cadillac, LLC's dealership from 2800 S Hwy 17 92, Deland, FL 32720-8682 to the corner of Graves and Interstate 4, Deltona, FL 32725.

2. On August 28, 2015, Starling Chevrolet-Cadillac, LLC provided General Motors with written confirmation that it was withdrawing the relocation request that is the subject of this matter. See letter from Jack Starling to General Motors LLC attached as Exhibit "A."

3. Accordingly, on August 31, 2015, General Motors notified the Florida Department of Highway Safety and Motor Vehicles, that GM was rescinding the approval of the relocation request and withdrawing the relocation request. See letter to DHSMV attached as Exhibit "B."

4. As a result of the withdrawal of the relocation request at issue in this case, the matter pending before the Division is moot and should be dismissed.

5. The undersigned has spoken with counsel for Petitioners and they have no objection to the dismissal with each party to bear its own fees and costs.

WHEREFORE, Respondent General Motors LLC respectfully requests that this matter be dismissed with each party to bear its own fees and costs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail to Frank H. Killgore, Jr. (fhkillgore@kpsos.com) and Mark L. Ornstein (mlornstein@kpsos.com), Killgore, Pearlman, Stamp, Ornstein & Squires, P.A., 2 South Orange Avenue, 5th Floor, Orlando, Florida 32801 and William Van Cott (willamvancott@flhsmv.gov), Room A-432, 2900

Apalachee Parkway, Tallahassee FL 32399; and via U.S. Mail only to John Starling, 2800 South
Highway 17-92 Deland FL 32720, this 1st day of September, 2015:

s/ Steven I. Klein

STEVEN I. KLEIN

Florida Bar No. 0675245

E-mail: sklein@rumberger.com (primary)
docketingorlando@rumberger.com and
skleinsecy@rumberger.com (secondary)

RUMBERGER, KIRK & CALDWELL

A Professional Association

Lincoln Plaza, Suite 1400

300 South Orange Avenue (32801)

Post Office Box 1873

Orlando, Florida 32802-1873

Telephone: (407) 872-7300

Telecopier: (407) 841-2133

Attorneys for General Motors LLC

received
08/28/15

**STARLING CHEVROLET CADILLAC
2800 S. WOODLAND BOULEVARD
DELAND, FLORIDA 32720**

August 28, 2015

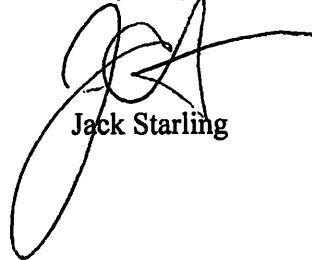
Ms. Heather Zawol (heather.zawol@gm.com)
Contract Manager (Team Lead) Southeast and West Regions
General Motors Dealer Contract Group

Re: Request #63065 – Relocation

Dear Ms. Zawol:

I hereby withdraw Change Request #63065 and therefore will not be completing the relocation that was approved in Site Approval Letter, dated June 16, 2015.

Very truly yours,



Jack Starling

Rumberger KIRK & CALDWELL

August 31, 2015

Steven I. Klein
Rumberger, Kirk & Caldwell, P.A.
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Lincoln Plaza, Suite 1400
300 South Orange Avenue (32801)
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Orlando, Florida 32802-1873
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Nalini Vinayak, Administrator
Dealer License Section
Division of Motor Vehicles
2900 Apalachee Parkway, Room A-312
Tallahassee, Florida 32399-0500
Nalinivinayak@flhsmv.gov

VIA E-MAIL & U.S. MAIL

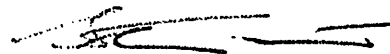
Re: GMVT Motors, LLC d/b/a David Maus Chevrolet vs. General Motors LLC &
Starling Chevrolet-Cadillac, LLC (Case No. 15-4413)
SAI Orlando CS, LLC vs. General Motors LLC & Starling Chevrolet-Cadillac,
LLC (Case No. 15-4427)
Our File No.: 123653

Dear Ms. Vinayak:

This letter is to advise you that my client General Motors LLC, rescinds its letters dated July 30, 2015, which approved the relocation of Starling Chevrolet-Cadillac, LLC, which proposed the move of Chevrolet and Cadillac operations from 2800 S Hwy 17 92, Deland, FL 32720-8682 to the corner of Graves and Interstate 4, Deltona, FL 32725 at the latitude/longitude of 28.949255 / -81.246471. General Motors hereby withdraws the approval for relocation without prejudice.

Should you require any further information, please feel free to contact me.

Very truly yours,



Steven I. Klein

SIK/sc

8235094.1

Exhibit "B"

ORLANDO ■ MIAMI ■ TALLAHASSEE ■ TAMPA ■ BIRMINGHAM