# STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES DHSMV Case No. MS-17-651 FINAL ORDER #: HSMV-17-161-MS

SCHUMACHER AUTOMOTIVE	<b>DOAH Case Nos. 16-6239</b>
DELRAY, LLC d/b/a SCHUMACHER	16-6240
CHRYSLER DODGE JEEP RAM OF	16-6241
DELRAY,	16-6242
	16-7600
Petitioner,	16-7601
	16-7602
vs.	16-7603
ECA US. LLC AND ARRIGO MARGATE	

FCA US, LLC AND ARRIGO MARGATE, LLC d/b/a ARRIGO DODGE CHRYSLER JEEP RAM MARGATE,

Respondents.				
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#### **FINAL ORDER**

This matter came before the Department for entry of a Final Order upon submission of an Order Severing Cases, Closing Files, and Relinquishing Jurisdiction by the Honorable Mary Li Creasy, Administrative Law Judge of the Division of Administrative Hearings, pursuant to Schumacher Automotive Delray LLC's Notice of Dismissal, a copy of which is attached, and incorporated by reference, in this Order.

The Department hereby adopts the Order Severing Cases, Closing Files, and Relinquishing Jurisdiction as its Final Order in this matter.

Accordingly, it is hereby,

**ORDERED** that this case is **CLOSED**.

**DONE AND ORDERED** this 15 day of May, 2017, in Tallahassee, Leon County,

Florida.

Robert Kynoch, Director of Motorist Services Department of Highway Safety and Motor Vehicles 2900 Apalachee Pkwy

Tallahassee, Florida 32399

Filed with the Agency Clerk in the official records of the Department of Highway Safety and Motor Vehicles this 1873 day of May, 2017.

#### **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 appellate court within thirty days of the filing of this order as set out above, pursuant to Rules of Appellate Procedure.

Copies furnished:

Chris Chandler FCA US, LLC 10300 Boggy Creek Road Orlando, Florida 32824

Robert Craig Spickard, Esquire Kurkin Forehand Brandes LLP 105 West Fifth Avenue Tallahassee, Florida 32303 FILED MAY 18 2017 AGENCY CLERK STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES Page 3 of 9

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Dealer License File

### STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

SCHUMACHER AUTOMOTIVE DELRAY, LLC, d/b/a SCHUMACHER CHRYSLER DODGE JEEP RAM OF DELRAY,

Petitioner,

vs.	Case	Nos.	16-6239 16-6240
FCA US, LLC AND ARRIGO MARGATE, LLC, d/b/a ARRIGO DODGE CHRYSLER			16-6241 16-6242
JEEP RAM MARGATE,			16-7600
200			16-7601
Respondents.			16-7602 16-7603
YARDLEY CAR COMPANY, LLC,			
Petitioner,			
vs.	Case	Nos.	16-6243
			16-6244
FCA US, LLC AND ARRIGO MARGATE,			16-6245
LLC, d/b/a ARRIGO DODGE CHRYSLER			16-6246
JEEP RAM MARGATE,			16-7604
Demonstrate			16-7605
Respondents.			16-7606
/			16-7607

## ORDER SEVERING CASES, CLOSING FILES, AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on Schumacher Automotive Delray, LLC's Notice of Dismissal, filed May 10, 2017, and the undersigned being fully advised, it is, therefore,

#### ORDERED that:

1. DOAH Case Nos. 16-6239, 16-6240, 16-6241, 16-6242, 16-7600, 16-7601, 16-7602, and 16-7603 are severed from DOAH Case Nos. 16-6243, 16-6244, 16-6245, 16-6246, 16-7604, 16-7605, 16-7606, and 16-7607.

- 2. The final hearing in DOAH Case Nos. 16-6239, 16-6240, 16-6241, 16-6242, 16-7600, 16-7601, 16-7602, and 16-7603 scheduled for July 31 through August 4, 7 through 11 and 14 through 18, 2017, is canceled. The final hearing in DOAH Case Nos. 16-6243, 16-6244, 16-6245, 16-6246, 16-7604, 16-7605, 16-7606, and 16-7607 scheduled for July 31 through August 4, 7 through 11 and 14 through 18, 2017, shall take place as scheduled
- 3. The files of the Division of Administrative Hearings in DOAH Case Nos. 16-6239, 16-6240, 16-6241, 16-6242, 16-7600, 16-7601, 16-7602, and 16-7603 are closed. Jurisdiction is relinquished to the referring agency.
- 4. All future pleadings shall be filed in DOAH Case No. 16-6243, unless the cases are severed.

DONE AND ORDERED this 11th day of May, 2017, in Tallahassee, Leon County, Florida.

MARY LI CREASY

Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
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Filed with the Clerk of the Division of Administrative Hearings this 11th day of May, 2017.

#### COPIES FURNISHED:

William Edward Van Cott
Department of Highway Safety
and Motor Vehicles
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STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
Page 6 of 9

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## STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

SCHUMACHER AUTOMOTIVE DELRAY, LLC d/b/a SCHUMACHER CHRYSLER DODGE JEEP RAM OF DELRAY,

Petitioner,	Case No.	16-6239
		16-6240
VS.		16-6241
		16-6242
FCA US LLC, and ARRIGO MARGATE LLC,		16-7600
d/b/a ARRIGO DODGE CHRYSLER JEEP		16-7601
RAM MARGATE,		16-7602
		16-7603
Respondents.		

#### SCHUMACHER AUTOMOTIVE DELRAY, LLC'S NOTICE OF DISMISSAL

Please take notice that Petitioner, Schumacher Automotive Delray, LLC d/b/a Schumacher Chrysler Dodge Jeep Ram of Delray, hereby withdraws its protest to the proposed addition of Arrigo Margate LLC as a new Dodge, Chrysler, Jeep and Ram dealer and dismisses the above referenced protests<sup>1</sup> with prejudice, with each party to bear its own fees and costs.

Respectfully submitted this 10th day of May, 2017.

s/R. Craig Spickard
R. Craig Spickard
Florida Bar No. 721751
Kurkin Forehand Brandes LLP
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Tallahassee, FL 32303
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<sup>&</sup>lt;sup>1</sup> For purposes of clarification, this notice of dismissal only applies only to Schumacher Automotive Delray, LLC's protests which are the case numbers specifically identified in the caption to this pleading. The cases arising out of the protests filed by Yardley Car Company, LLC are not being dismissed by way of this notice. Those case numbers are 16-6243, 16-6244, 16-6245, 16-6246, 16-7604, 16-7605, 16-7606, and 16-7607.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served on May 10, 2017 by e-mail to: i) Andy Bertron (andy.bertron@nelsonmullins.com); ii) Virginia Gulde (virginia.gulde@nelsonmullins.com); iii) Kevin F. Richardson (Kevin@CRR-Law.com); iv) J. Martin Hayes (martin.hayes@akerman.com); v) Thomas Yardley (statefiling@yardleylaw.net); vi) William Van Cott (williamvancott@flhsmv.gov); vii) Kiara Guzzo (OGCFiling@flhsmv.gov); viii) Robert Cultice (Robert.cultice@wilmerhale.com); ix) Felicia Ellsworth (Felicia.ellsworth@wilmerhale.com); x) Ian Coghill (ian.coghill@wilmerhale.com); xi) Michelle Sandals (michelle.sandals@wilmerhale.com); xii) Thomas Range (tom.range@akerman.com).

s/R. Craig	Spickard	
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