

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

BIRD AUTOMOTIVE, LLC d/b/a BIRD
ROAD SUBARU,

Petitioner,

vs.

SUBARU OF AMERICA, INC.,

Respondent.

HSMV Case No.: MS-19-006

DOAH Case No.: 19-0307

FINAL ORDER NO. :

HSMV-20-0423-FOI-MS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES


FINAL ORDER

This matter comes before the Department of Highway Safety and Motor Vehicles for entry of a final order upon submission of Petitioner's Dismissal with Prejudice, filed September 30, 2020, a copy of which is attached and incorporated by reference. On January 18, 2019, the Department referred this matter to the Division of Administrative Hearings (DOAH). The parties filed a Joint Motion to Relinquish Jurisdiction to Agency on February 13, 2019, requesting that DOAH relinquish jurisdiction so the case could be placed in abeyance while the parties engaged in settlement negotiations. On February 13, 2019, the Honorable Mary Li Creasy, Administrative Law Judge of the Division of Administrative Hearings, issued the Order Closing File and Relinquishing Jurisdiction back to the Department.

Petitioner's protest having now been withdrawn, and upon review of the record in the above-styled case and being fully advised in the premises, the petition is **DISMISSED**. Accordingly, it is **ORDERED** that the case is **CLOSED**.

DONE AND ORDERED this 7th day of October, 2020, at Tallahassee, Leon County, Florida.

FILED DHSMV AGENCY CLERK
OCT 07 2020
MS-19-006


Robert Kynoch, Director of Motorist Services
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, Florida 32399

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NOTICE OF APPEAL RIGHTS

A party adversely affected by this final order may seek judicial review as provided in § 120.68, Fla. Stat., and Fla. R. App. P. 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Fla. R. App. P. 9.110(d) and must be filed (*i.e.*, received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished by U.S. mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Joseph Gillespie, DHSMV Agency Clerk, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, MS-2, Tallahassee, Florida 32399. The facsimile number is (850) 617-5112. The email address is OGCFiling@flhsmv.gov.

SEP 30 2020

MS-19-006

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

BIRD AUTOMOTIVE, LLC,
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HSMV Case No. MS-19-006

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SUBARU OF AMERICA, INC.,

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_____ /

DISMISSAL WITH PREJUDICE

Petitioner, BIRD AUTOMOTIVE, INC, d/b/a BIRD ROAD SUBARU ("Bird Road"), hereby withdraws and dismisses with prejudice its Petition for Determination of Unfair Discontinuation pursuant to section 320.641(3), Florida Statutes, and requests that the Department enter a final order dismissing the petition and closing this case.

Dated this 30th day of September, 2020.

/s/John W. Forehand

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Joseph Gillespie, Florida Department of Highway Safety & Motor Vehicles, (joegillespie@flhsmv.gov) (ogcfiling@flhsmv.gov), and J. Andrew Bertron, Nelson Mullins Broad & Cassel, abertron@nelsonmullins.com, this 30th day of September, 2020.

/s/John W. Forehand