

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

WKDR, INC. d/b/a OCALA SUBARU,

Petitioner,

vs.

SUBARU OF AMERICA, INC.,

Respondent.

HSMV Case Nos.: MS-19-133,

MS-19-847

DOAH Case Nos.: 19-4663,

19-4784

FINAL ORDER NO. :

HSMV-20-0436-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 Notice of Withdrawing Protests, filed October 8, 2020, which is attached and incorporated by reference herein.

On May 15, 2019, the Department referred to the Division of Administrative Hearings HSMV Case No. MS-19-133, which was assigned DOAH Case No. 19-2528 and involved Petitioner’s protest of Respondent’s intended termination of the franchise agreement between the parties. Upon joint motion of the parties, DOAH relinquished jurisdiction of the case to the Department on May 30, 2019. On August 30, 2019, also upon joint motion of the parties, the Department referred the matter back to DOAH for further proceedings, and on September 3, 2019, DOAH reopened the case under DOAH Case No. 19-4663.

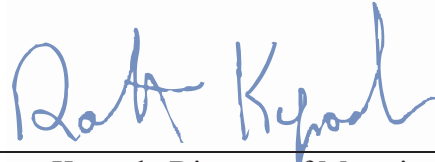
On September 10, 2019, the Department referred to DOAH a related matter, HSMV Case No. MS-19-847, which similarly involved Petitioner’s protest of Respondent’s intended termination of the parties’ franchise agreement and was assigned DOAH Case No. 19-4784. By Order of Consolidation issued September 18, 2019, both cases (DOAH Case Nos. 19-4663 and 19-4784) were consolidated as the present matter.

Following months of discovery, the parties filed a second Joint Motion to Relinquish Jurisdiction to Agency on March 11, 2020, requesting that DOAH again relinquish jurisdiction so the cases could be placed in abeyance while the parties engaged in settlement negotiations. On March 11, 2020, the Honorable Robert J. Telfer III, Administrative Law Judge of the Division of Administrative Hearings, issued the Order Relinquishing Jurisdiction Without Prejudice and Closing File, which relinquished jurisdiction back to the Department where the cases have remained in abeyance since that date.

In its October 8, 2020, Notice of Withdrawing Protests, which is now before the Department, Petitioner withdraws and dismisses, with prejudice, its protests in both of the consolidated cases.

Petitioner's protests having been withdrawn, and upon review of the record in the above-styled cases and being fully advised in the premises, the petitions are **DISMISSED**. Accordingly, it is **ORDERED** that the cases are **CLOSED**.

DONE AND ORDERED this 26th day of October, 2020, at Tallahassee, Leon County, Florida.



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

FILED FLHSMV AGENCY CLERK
OCT 26 2020
MS-19-133 & MS-19-847

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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.

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MS-19-133 & MS-19-847

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

WKDR, INC., d/b/a OCALA SUBARU

Petitioner,

vs.

SUBARU OF AMERICA, INC.,

Respondent.

DOAH Case No. 19-4663
DOAH Case No. 19-4784
DHSMV Case No. MS-19-333
DHSMV Case No. MS-19-847

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PETITIONER’S NOTICE OF WITHDRAWING PROTESTS

Please take notice that Petitioner, WKDR, INC. d/b/a OCALA SUBARU, hereby withdraws and dismisses, with prejudice, its protests in the above-referenced matters (DHSMV Case No. MS-19-333 and DHSMV Case No. MS-19-847) which were consolidated before the Division of Administrative Hearings (Case Nos. 19-4663 and 19-4784) before being relinquished back to the Florida Department of Highway Safety and Motor Vehicle through an order entered March 11, 2020. Each party will bear its own fees and costs.

Dated this 8th day of October, 2020.

Respectfully Submitted,

BASS SOX MERCER

/s/ Micah A. Andrews

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via email on October 8, 2020 to Andy Bertron and Everett Boyd (andy.bertron@nelsonmullins.com; everett.boyd@nelsonmullins.com) and Joseph Gillespie (ogcfiling@flshmv.gov).

/s/ Micah A. Andrews _____

Micah A. Andrews