

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

ADAMEC CYCLE SALES CO., INC. d/b/a
ADAMEC HARLEY-DAVIDSON OF
JACKSONVILLE, *et al.*,

Petitioners,

vs.

HARLEY-DAVIDSON MOTOR COMPANY,
INC.,

Respondent.

HSMV Case Nos.: MS-21-305
MS-21-311
MS-21-312
MS-21-313
DOAH Case No.: 21-2091

FINAL ORDER NO. : **FLHSMV 2021**
HSMV-21-0349-FOI-MS
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FINAL ORDER

This matter comes before the Department of Highway Safety and Motor Vehicles from the Order Relinquishing Jurisdiction as to Certain Parties issued December 22, 2021, by the Honorable Yolonda Y. Green, Administrative Law Judge of the Division of Administrative Hearings, based on Notices of Withdrawing Protests, filed December 16 and 17, 2021, by Petitioners in the following cases, which are attached and incorporated by reference in this order:


- MS-21-305 *Rossiter’s Harley-Davidson, Inc. d/b/a Rossiter’s Harley-Davidson v. Harley-Davidson Motor Company, Inc.*
- MS-21-311 *Cigar City Motors, Inc. d/b/a Harley-Davidson of Tampa v. Harley-Davidson Motor Company, Inc.*
- MS-21-312 *Gulf Coast CCM, Inc. d/b/a Harley-Davidson of New Port Richey v. Harley-Davidson Motor Company, Inc.*
- MS-21-313 *Panama City Beach Cycles, LLC d/b/a Harley-Davidson of Panama City Beach v. Harley-Davidson Motor Company, Inc.*

The protests of the listed Petitioners having been withdrawn, and upon review of the record in the above-styled causes and being fully advised in the premises, the petitions are **DISMISSED**. Accordingly, HSMV Case Nos. MS-21-305, MS-21-311, MS-21-312, and MS-21-313 are **CLOSED**.¹

¹ This order does not affect the remaining protests in HSMV Case Nos. MS-21-302, MS-21-303, MS-21-304, MS-21-306, MS-21-307, MS-21-308, MS-21-309, and MS-21-310, which remain pending as DOAH Case No. 21-2091, nor does this order affect the protests in HSMV Case

DONE AND ORDERED this 22nd day of December, 2021, at Tallahassee, Leon County, Florida.

FILED FLHSMV AGENCY CLERK
DEC 22 2021
MS-21-305, MS-21-311, MS-21-312
& MS-21-313



Robert Kynoch, Director of Motorist Services
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
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Nos. MS-21-321, MS-21-322, and MS-21-323, which were consolidated with this matter and remain pending as DOAH Case No. 21-2244.

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.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ADAMEC CYCLE SALES CO., INC. D/B/A
ADAMEC HARLEY-DAVIDSON OF
JACKSONVILLE, ET AL.,

Petitioners,

Case Nos. 21-2091
21-2244

vs.

HARLEY-DAVIDSON MOTOR COMPANY, INC.,

Respondent.

_____ /

ORDER RELINQUISHING JURISDICTION AS TO CERTAIN PARTIES

This cause came before the undersigned on Petitioners Cigar City Motors Inc., D/B/A Harley-Davidson of Tampa, Gulf Coast CCM Inc., D/B/A Harley-Davidson of New Port Richey, and Panama City Beach Cycles, LLC, D/B/A Harley-Davidson of Panama City Beach, and Rossiter's Harley-Davidson, Inc., D/B/A Rossiter's Harley-Davidson's Notices of Withdrawal of Protest ("Notices of Dismissal"), which states that the named Petitioners seek to withdraw their respective petition filed in this consolidated matter.

The undersigned being fully advised, it is, therefore, ORDERED that:

1. Based upon Petitioners' Notice of Withdrawal, Jurisdiction is relinquished to Florida Highway Safety and Motor Vehicles for HSMV Case Nos. as follows¹:

- a. MS-21-305 (Rossiter's Harley-Davidson, Inc., D/B/A Rossiter's Harley-Davidson)
- b. MS-21-311 (Cigar City Motors Inc., D/B/A Harley-Davidson of Tampa)
- c. MS-21-312 (Gulf Coast CCM Inc., D/B/A Harley-Davidson of New Port Richey), and
- d. MS-21-313 (Panama City Beach Cycles, LLC, D/B/A Harley-Davidson of Panama City Beach)

¹ The parties in HSMV cases MS-21-305, MS-21-311, MS-21-312 and MS-21-313 are named parties in the Petition filed in DOAH Case No. 21-2091.

2. This Order has no effect on the remaining Petitioners (HSMV Case Nos.: MS-21-302, MS-21-303, MS-21-304, MS-21-307, MS-21-308, MS-21-309, MS-21-310, MS-21-321, MS-21-322, MS-21-323) in this consolidated matter.

3. The Final Hearing scheduled for April 18 through 22 and April 25 through 27, 2022, will proceed as scheduled.

DONE AND ORDERED this 22nd day of December, 2021, in Tallahassee, Leon County, Florida.



YOLONDA Y. GREEN
Administrative Law Judge
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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ADAMEC CYCLE SALES CO., INC.)
d/b/a ADAMEC HARLEY-DAVIDSON)
OF JACKSONVILLE, ET AL.)
)
Petitioners,)
)
v.)
)
HARLEY-DAVIDSON MOTOR)
COMPANY, INC.)
)
Respondent.)
_____)

Case No.: 21-2091

**CIGAR CITY MOTORS INC., D/B/A HARLEY-DAVIDSON OF TAMPA, GULF
COAST CCM INC., D/B/A HARLEY-DAVIDSON OF NEW PORT RICHEY, AND
PANAMA CITY BEACH CYCLES, LLC, D/B/A HARLEY-DAVIDSON OF PANAMA
CITY BEACH’S NOTICE OF WITHDRAWING PROTEST**

PLEASE TAKE NOTICE that the following Petitioners, Cigar City Motors, Inc. d/b/a Harley-Davidson of Tampa, Gulf Coast CCM, Inc., d/b/a Harley-Davidson of New Port Richey, and Panama City Beach Cycles, LLC, d/b/a Harley Davidson of Panama Beach (collectively referred to as “Withdrawing Petitioners”), with each party to bear its own fees and cost, hereby withdraw their protest in the above referenced matter. Withdrawing Petitioners request that the Division of Administrative Hearings relinquish jurisdiction of this matter, only as it pertains to Withdrawing Petitioners, to the State of Florida Department of Highway Safety & Motor Vehicles. The remaining Petitioners maintain their pending protests.

Dated: December 15, 2021

Respectfully submitted,

BASS SOX MERCER

/s/ Andrew G. Thomas

Nicholas A. Bader, FL Bar No. 55351

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to: Roberta Howell (RHowell@foley.com), Connor A. Sabatino (csabatino@foley.com), Robert Hosay (rhosay@foley.com) and Joseph R. Gillespie (ogcfiling@flhsmv.gov and joegillespie@flhsmv.gov).

/s/ Andrew G. Thomas

Andrew G. Thomas

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ADAMEC CYCLE SALES CO., INC.)
d/b/a ADAMEC HARLEY-DAVIDSON)
OF JACKSONVILLE, ET AL.)
)
Petitioners,)
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v.)
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HARLEY-DAVIDSON MOTOR)
COMPANY, INC.)
)
Respondent.)
_____)

Case No.: 21-2091

ROSSITER’S HARLEY-DAVIDSON, INC., D/B/A ROSSITER’S HARLEY-DAVIDSON’S NOTICE OF WITHDRAWING PROTEST

PLEASE TAKE NOTICE that Petitioner, Rossiter’s Harley-Davidson, Inc., d/b/a Rossiter’s Harley-Davidson (referred to as “Withdrawing Petitioner”), with each party to bear its own fees and cost, hereby withdraws its protest in the above referenced matter. Withdrawing Petitioner requests that the Division of Administrative Hearings relinquish jurisdiction of this matter, only as it pertains to Withdrawing Petitioner, to the State of Florida Department of Highway Safety & Motor Vehicles. The remaining Petitioners maintain their pending protests.

Dated: December 17, 2021

Respectfully submitted,

BASS SOX MERCER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to: Roberta Howell (RHowell@foley.com), Connor A. Sabatino (csabatino@foley.com), Robert Hosay (rhosay@foley.com) and Joseph R. Gillespie (ogcfiling@flhsmv.gov and joegillespie@flhsmv.gov).

/s/ Andrew G. Thomas

Andrew G. Thomas