

Rochester Lincoln-Mercury v. Ford CV-99-545-M 05/10/00
UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Rochester Lincoln-Mercury, Inc.,
Plaintiff

v.

Ford Motor Company,
Defendant

AND

Civil No. 99-545-M
(Consolidated Cases)
Opinion No. 2000 DNH 113

Rochester Ford Sales, Inc.
and Meredith S. Pierce, Trustee
of J. Pierce Trust,

v.

Ford Motor Company,
Defendant

O R D E R

Having reviewed the defendant Ford Motor Company's motion to dismiss the complaint filed against it by Rochester Lincoln-Mercury, Inc. (RLM), and the parties' respective legal memoranda, the court grants Ford's motion.

RLM sues Ford for violating the provisions of N.H. Rev. Stat. Ann. ("RSA") Ch. 357-C (the Motor Vehicle Franchise Act), which governs the business relationships among motor vehicle manufacturers, distributors, and dealers. It is clear, however, that RLM, as a prospective franchisee of Ford relative to its hoped for acquisition of an available Ford franchise in Rochester, New Hampshire, lacks standing to sue under RSA Ch. 357-C. See Roberts v. General Motors Corp., 138 N.H. 532 (1994). RLM's effort to distinguish Roberts on grounds that an automobile manufacturer's current franchisees are in a substantively different position than non-franchisees when seeking to obtain additional franchises is unpersuasive. With respect to RLM's effort to acquire a Ford franchise different from the one it already owned, RLM, like others with no relationship to Ford, stood as merely a prospective franchisee. The New Hampshire Supreme Court's holding in Roberts, declaring prospective franchisees to be without standing to bring claims under RSA Ch. 357-C, is controlling and requires dismissal of RLM's complaint for lack of standing.

Conclusion

Defendant's motion to dismiss RLM's complaint (document no. 9) is granted.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

May 10, 2000

cc: Daniel A. Laufer, Esq.
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Brian R. Barrington, Esq.