

Interlocutory Order

117 F.T.C.

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC., ET AL.

*Docket 9189. Interlocutory Order, Jan. 27, 1994*

## ORDER

On January 3, 1994, counsel for McAlister Motors Inc. filed "Respondent McAlister Motors Inc.'s Second Superseding Motion to Reconsider Decision As To Its Status as a Respondent Because It Is Out of Business," requesting that the Commission dismiss the complaint against it and remove its name from the order of February 22, 1989.

McAlister Motors previously filed a similar request, but furnished an affidavit stating that its Toyota franchise had been sold to Audette Toyota. On September 28, 1993, the Commission issued an order directing that McAlister Motors file additional information on the issue whether Audette Toyota is a successor or assign within the meaning of the order of February 22, 1989. McAlister Motors has now provided evidence that its Toyota franchise was terminated at the time that the assets of the dealership were sold to Audette Toyota. Complaint Counsel does not oppose the motion.

The Commission has considered the motion and determined to grant it. Accordingly,

*It is ordered,* That the complaint against McAlister Motors, Inc. be and hereby is dismissed.

*It is further ordered,* That the order of February 22, 1989, of the Commission be and hereby is modified to delete the name of McAlister Motors, Inc.

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC., ET AL.

*Docket 9189. Interlocutory Order, Jan. 27, 1994*

ORDER

Counsel for the Volkswagen Respondents filed "Respondents' Unopposed Motion to Reconsider Decision As To One Business Dealership Respondent and One Dealership Association Respondent," requesting that the Commission dismiss the Complaint against Autobahn Motors and the Southeastern Michigan Volkswagen Dealers Association, Inc. and remove their names from the order of February 22, 1989. Complaint counsel does not oppose the motion.

The sole shareholder of Autobahn Motors, Inc. sold the dealership assets to Mell Farr Imports in 1993. Autobahn Motors has ceased doing business, and its Volkswagen and Mazda franchises have been terminated.

According to an affidavit by counsel for the Southeastern Michigan Volkswagen Dealers Association, Inc., a motion was made to disband and dissolve the association at a meeting on August 5, 1993, and the motion carried. The affidavit recites that the association "has proceeded to wind down its affairs." A copy of a form titled "Certificate of Dissolution" is attached to the motion.

The Commission has considered the motion and determined to grant it as to Autobahn Motors, Inc.

*It is ordered,* That the complaint against Autobahn Motors, Inc. be and hereby is dismissed.

*It is further ordered,* That the order of February 22, 1989, of the Commission be and hereby is modified to delete the name of Autobahn Motors, Inc.