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Car dealer claims illegal competition

By MONICA HATCHER

Bill Ussery Motors, which operates Mercedes-Benz of Coral Gables, is suing Palmetto Sport Cars, alleging the independent dealer of pre-owned Ferraris, Maseratis and other luxury autos routinely sells brand new Mercedes without being an authorized Mercedes-Benz dealer.

Bill Ussery Motors contends that puts its dealership at a competitive disadvantage since it must spend millions of dollars on parts, services, marketing and other fees in order to be a legitimate Mercedes-Benz franchise.

The owner of Palmetto Sport Cars could not be reached for comment.

The lawsuit alleges the company is violating a Florida law that protects car dealers from unfair competition, and it asks that a judge levy damages and revoke the company's motor vehicle licenses.

Palmetto Sport Cars has a dealership less than a mile down the road from Mercedes-Benz of Coral Gables, at 201 Bird Rd., and a second about four miles away at 7900 SW Eighth St. in Miami.

Alex Kurkin, an attorney representing Bill Ussery Motors, said a couple of executives had noticed brand new Mercedes sitting on a nearby used car lot as they drove to work. They got out and inspected the cars.

"They have them in plain sight from the street and sidewalk. . . . Their lot looks like a small Mercedes-Benz dealership," Kurkin said.

After checking the VIN numbers though the windshields, the plaintiffs said they discovered the cars were never sold to Palmetto Sport Cars and were still listed in the manufacturer's inventory as belonging to a dealer outside of South Florida.

On Palmetto's website Thursday, a 2009 Mercedes-Benz SL 550 convertible was available for sale. It had 33 miles and a sticker price of \$99,900, the listing described the car and was described as ``BRAND NEW!!''

Technically, said Peter Warwar, owner of Warwar Auto Concierge in Coral Gables, vehicles are not new if they are sold by a second-generation owner, or someone other than the licensed dealer, even if they have zero miles on the odometer.

And, added Kurkin, by marketing the cars as new, consumers may be misled into thinking they are protected by Florida's lemon law, which generally requires dealers to replace a new car when it is seriously defective.

"It would be like someone selling Gucci in the flea market," Warwar said.

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