



Audi

Nassau judge OKs third Nassau Audi dealership

By: [Jacqueline Birzon](#) November 26, 2014 0

A new [Audi](#) dealership will be allowed to open in Westbury, despite the objections of a pre-existing Lynbrook Audi dealer that said the new location would be “smack up against” its own location.

[Nassau County Supreme Court](#) Justice Vito DeStefano ruled Nov. 6 that Great Neck-based [Biener Audi Group](#) could open an Audi dealership in Nassau County just 10 miles away from its Lynbrook competitor – the actual address of the proposed Westbury location was not released. Biener Audi, owned by Stanley Weinstock, currently owns an Audi dealership at 795 Northern Blvd. in Great Neck.

In April, [JJM Sunrise Automotive](#), the Lynbrook-based Audi distributor, sued Weinstock’s company, Audi America and Audi’s parent company, the Volkswagen Group of America, for conspiring to open a dealership directly adjacent to the “largest market areas,” in which JJM Audi sells and services vehicles.

The opening of a Westbury Audi dealership would cut into JJM Audi’s sales, service, lease and parts revenues by more than 20 percent, JJM officials said in the lawsuit.

According to court records, Audi America allegedly coerced JJM’s three proprietors into purchasing an aging Audi dealership in Lynbrook in 2013 and prevented the owners from relocating to Hempstead, saying that “median household incomes, housing prices and other demographics are much more favorable for the Audi brand in and around Lynbrook than in and around Hempstead” and that “having an Audi dealership in Hempstead... would be bad for the Audi brand, and bad for Audi customers.”

Audi of America then “misled” JJM into investing more than \$13 million into renovating the Lynbrook Audi facility, according to the court documents, all while Audi planned to open the Westbury location that would “directly compete” with the refurbished facility.

In the lawsuit, JJM’s proprietors said they would not have bought the aging Lynbrook business had the company known of Audi’s plans with Biener Auto.

JJM Sunrise argued that Audi America violated the New York Franchised Motor Vehicle Dealer Act, which limits a franchisor from opening a new dealership within a six-mile radius of an existing dealership.

But in his Nov. 6 ruling, DeStefano said it is “undisputed” that the proposed Westbury dealership is not within the six-mile market area of JJM’s facility in Lynbrook, and dismissed charges alleging Audi acted in violation of the Dealer Act.

Uniondale attorney Jon Ward, partner at [Sahn, Ward, Coschignano & Baker](#), represented Biener Audi Group in the lawsuit and

said the judge's ruling will set the tone for future proceedings under the Dealer Act, where there's been "very little case law" to dictate proceedings.

"The law makes it very difficult, and for all practical purposes, almost impossible, for a manufacturer to put a new dealer of the same car within that six-mile range," Ward said. "[The ruling] is a win-win for all the dealers – more cars will get sold."

Attorneys for JJM did not respond to requests for comment.

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