



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100079

Date Received

Repository ☐

2003 JUL 17 3 AM 10: 24
12 JUN 2003

Reference No.
10022903

OWNER INFORMATION (Type or Print)

Name

Address

City

DDX HILLS

State NY

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☒ NO
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner

Date 6/20/03

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

4JGAB54E XYA

Make

MERCEDES BENZ

Model

ML320

Model Year

2000

Date Purchased

4/22/00

Dealer's Name and Telephone Number

Realty Motors 516 625-1600

Engine:

No: Cylinders 6

Fuel Type:

Gas

Original Owner

Dealer's City

Roslyn NY

State

NY

Zip Code

11576

Transmission Type

Auto

☒ Antilock Brakes

☒ Cruise Control

Powertrain

4 wheel drive

Vehicle Component Code

180000 VEHICLE SPEED CONTROL

Multiple Failure: 1

FAILED COMPONENT(S) / PART(S) INFORMATION

Incident Date(s)

12-2000-2003

01-09-2003

Failure Mileage

40,503

Failure Speed

excessive

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM15ABC035)

☐ Original Equipment

☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash

☒ Yes ☐ No

Fire

☐ Yes ☒ No

Number of Persons Injured

ONE

Number of Deaths

- 0 -

Reported to Police

NO

Narrative Description of Incident(s), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

VEHICLE ENGAGED FROM PARK TO DRIVE, THEN ENGAGED INTO REVERSE WITH SUDDENLY ACCELERATION AND HIT A TREE. DEALER NOTIFIED, AND STATED IT WAS A HUMAN ERROR. *AK

The car was in park, I put it into reverse & backed up a few feet. I then put the car into drive to go forwardly straighten out so as to back out of my driveway more easily. At that point, something happened - the car went into reverse, accelerated at tremendous speed - went down the driveway out of control, veered right, up on my lawn & hit a tree. The gear shift was still in drive when the car stopped on impact.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

This Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

I was extremely upset by this incident. I did go to the hospital the following day - my head & neck did not feel right. I was given a possible concussion & neck strain. I then consulted a neurologist to rule out a possible physical cause of the accident. His examination & MRI ruled out that possibility. I was fully alert before the accident. A neighbor witnessed it & the fact that the car was in drive when it finally stopped. I also requested that my insurance company do a crash inquiry - they declined this suggestion as unnecessary.

ATTACH ADDITIONAL SHEETS IF NECESSARY

US Department
of Transportation

National Highway
Traffic Safety
Administration

400 Seventh St., S.W.
Washington, D.C. 20590

Official Business
Penalty for Private Use \$300

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY NATL. HWY. TRAFFIC SAFETY ADMIN.

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NYS-216
400 7th Street, SW
Washington, DC 20590

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

**VEHICLE
OWNER'S
QUESTIONNAIRE**

DOT AUTO SAFETY HOTLINE

TO REPORT VEHICLE SAFETY DEFECTS
COMPLETE THIS FORM
OR

DASH2DOT

and dial toll free at

1-888-DASH-2-DOT

1-888-327-4236

DOT Auto Safety Hotline
(DASH) & DOT



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National Highway Traffic Safety
Administration
<http://www.nhtsa.dot.gov/odis>



Mercedes-Benz

Mercedes-Benz USA, LLC
A DaimlerChrysler Company

May 5, 2003

[REDACTED]
[REDACTED]
Dix Hills, NY [REDACTED]

Re: 2000 Mercedes-Benz ML 320
VIN: 4JGAB54EXYA [REDACTED]

Dear [REDACTED]:

In response to your request, this will confirm that my client's representative's inspection of your above referenced vehicle revealed no defect in design or manufacture which could have caused or contributed to the event of unexpected acceleration that you have reported.

The opportunity to confirm my client's findings is appreciated.

Very truly yours,

Frank P. Berenz
Associate General Counsel

FPB/av



[REDACTED]
[REDACTED]
Dix Hills, New York [REDACTED]
[REDACTED]

June 11, 2003

Mercedes-Benz USA, LLC
One Mercedes Drive
Montvale, New Jersey 07645

Re: 2000 Mercedes-Benz ML320
VIN: 4JGAB54EXYA [REDACTED]

Dear Mr. Berenz,

This letter is in response to correspondence I received from your office dated 5/6/03 regarding an accident I had with the above referenced vehicle.

I am requesting a copy of the report detailing exactly what tests etc. were performed on my car to determine whether or not the accident was a result of a defect in design or manufacturer. I feel that I am entitled to an explanation of how this car went from drive to reverse, accelerated to incredible speed, went down my driveway and up onto my lawn. Ultimately, it was stopped by a massive tree and was still in drive. This was witnessed by my neighbor. The impact caused approximately \$16,000.00 in damages, not to say what it did to me physically and mentally. Every time I drive out of my driveway, I relive that horrendous experience. I can no longer get behind the wheel of a car without feeling tremendous fear and anxiety.

I strongly doubt that the incident in which I was involved was caused by human error. I have since learned of another accident - almost identical to mine - also involving a 2000 ML320. I believe that this matter deserves further investigation. Subsequently, I have filed a complaint with the US Dept. of Transportation, National Highway Traffic Safety Administration. I have also been advised to contact my State Attorney General and to hire a forensic specialist to perform an independent examination of my car.

Sincerely,

[REDACTED]

[REDACTED]

**THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).**