



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-CASH-2-DOT  
(1-888-327-4236)  
INTERNET [www.nhtsa.dot.gov/hotline](http://www.nhtsa.dot.gov/hotline)

FOR AGENCY USE ONLY 1367

Date Received: 2003.11.26 AM 10:23  
Repository   
Reference No.: 10022913

**OWNER INFORMATION (Type or Print)**

Name: [Redacted]  
Address: [Redacted]  
City: PALM COAST State: FL Zip Code: [Redacted]

Daytime Telephone Number: [Redacted] E-mail Address: [Redacted]  
Evening Telephone Number: [Redacted]

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?  
To the absence of a signature, NHTSA will provide your name or address to the vehicle manufacturer.  
Signature of Owner: [Redacted] Date: 6/23/03

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number: 4JGAB54E91A229267 Make: MERCEDES BENZ Model Year: 2001

Date Purchased: 10/30/00 Dealer's Name and Telephone Number: New Country, Hartford, CT (NOT SERVICING DEALER)  
Original Owner: [Redacted] Dealer's City and State: Daytona Beach, FL Model: 386- State: FL Zip Code: 32117 Engine: No. Cylinders: 6 Fuel Type: GAS

Transmission Type: Auto Antilock Brakes:  Cruise Control:  Powertrain: 274-4775 Vehicle Component Code: 330000 INTERIOR LIGHTING - Instrument Cluster - Multiple Failure: 3

**FAILED COMPONENT(S) / PART(S) INFORMATION**

Incident Date(s): 10/10/03, 2/10/03, 6/2/03 Failure Mileage: 52,025, 52,500, 62,200 Failure Speed: 55 mph, 65 mph First time, outside instrument cluster lit up, lost calibration speedometer, tachometer, gauges + temperature gauges, all fuel gauges in 2d gear, 2nd + 3rd + no, same problem, except tach drop normally

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make: [Redacted] Tire Model (Name or Number): [Redacted] Tire Size (Example P215/65R15): [Redacted]  
DOT No. (Example: DOTM19ABC036): [Redacted] Original Equipment Prior Repair:  Failure Location: [Redacted]  
The Component Code: [Redacted] Tire Failure Type: [Redacted]

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE**

Make: [Redacted] Date Manufactured: [Redacted] Model No./Name: [Redacted]  
Seat Type: [Redacted] Installation System: [Redacted]  
Child Seat Component Code: [Redacted] Failed Part: [Redacted]

**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: 0 Number of Deaths: 0 Reported to Police: N

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; (a, parts repaired or replaced (and if old part is available)).

INTERMITTENTLY WHILE DRIVING DASHBOARD WARNING LIGHTS COME ON AND STAY ON, THEN ALL THE GAUGES STOP WORKING. DEALERSHIP REPLACED GEAR SELECTOR, BUT THE PROBLEM STILL EXISTS. \*AK INSTRUMENT CLUSTER ALSO FLASHES BEERS, AND AFTER A TIME SPEEDOMETER AND TACHOMETER, ETC, ACTIVATE AND THEN SHUT DOWN, AND THEN RESTORE THEMSELVES AFTER ABOUT 20 MINS. IN ADDITION TO INITIALLY TELLING ME GEAR SELECTOR SHIFT ASSEMBLY NEEDED REPLACEMENT AT A COST TO ME OF \$284.57 + RENTAL CAR OF \$45.03 SUBSEQUENT 2D FAILURE OCCURRED WITHIN 500 miles. Vehicle kept by dealer for 7 days, replaced BASEB control module, as well as new battery, but no call, have not returned to dealer after 3d failure, diagnostic code tell them? Very strange events - would

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974 - Public Law 93-502 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 responses 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 responses, or a statistical summary thereof, may be used in support of the agency's action.

will stay dead if highway speed,

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

Have lost confidence in vehicle, because of apparent failure of a Mercedes Dealer to be able to locate and repair defect. I have read that in earlier model vehicle can shut down completely. I don't know what to do to resolve this issue. I wrote to President of Mercedes from North America on June 19 and have not been contacted on this writing, June 24, 2003.

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



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

**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, NVS-216  
400 7th Street, SW  
Washington, DC 20590



**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



US Department of Transportation  
National Highway Traffic Safety Administration  
http://www.nhtsa.gov

Palm Coast, FL  
June 13, 2003(VIA FAX DELIVERY)

Mr. Mike Jackson, President  
Mercedes Benz North America  
One Mercedes Drive  
P.O. Box 350  
Montvale, New Jersey 07645

Re: Defective 2001 ML 320-delivered October 30, 2000; currently 62,000+ miles-VIN  
4HGAB54E91A229267

Dear Sir:

I am writing to tell you how upset and disappointed I am in the lack of reliability, quality and performance of the 2001 ML 320 that I have owned since October 30, 2000, as well as the apparent failures of the Mercedes Benz customer service, roadside assistance, and the Mercedes Benz diagnostic apparatus.

The lack of quality in the manufacture and design of the vehicle is incredible in a vehicle allegedly designed for off-road driving, as well as for long-term reliability, but what adds insult to injury is the failure of Mercedes Benz to acknowledge these problems and address them in a timely and appropriate fashion, with total disregard for the safety and convenience of its customers.

Unfortunately, this is the second Mercedes I have owned, and the second disappointment with your products. But the situation has become intolerable with the current vehicle.

My first major failure occurred on January 15, 2003, as I was driving with approximately 52,025 miles on a secondary road at approximately 55 miles an hour when the entire instrument cluster lit up and flashed and beeped and I lost my speedometer, tachometer and gas and temperature gauges, and the car went into second gear and did not come out of it for some time(I subsequently discovered this is the limp-home mode). I had no idea what was happening, as I had no previous warning of any problems. I decided to proceed to the nearest dealer which happened to be in Daytona Beach, Florida. I drove the truck into their service area and informed them of what had happened. After some time, they advised me that it was a gear selector problem, although I told them that I had jiggled it when it went into the second gear mode, but that I had not touched it before the event happened, but they said they were certain that was the problem. By the time I arrived at the dealer, the instrument cluster lights had gone off, except for the BAS light, and the gauges, speedometer and tachometer had resumed. The vehicle was only 2000 miles out of warranty and I was not happy about paying for a new gear shift assembly, which I did not believe was at fault and in any event should not be my responsibility. After objecting, it was agreed I was to be charged only for labor and the assembly part was to be covered by Mercedes.

I also had to rent a car to get home since I was no longer eligible for a loaner, since I was out of warranty. When I retrieved my vehicle the next day, and paid \$284.57, plus the rental fee of \$45.03, I discovered that the gear shift knob had also been changed and was no longer matching my gray leather upholstery. When I called the service technician about it, he said that the gear shift assembly came as one piece, but he didn't know why they couldn't have switched my original onto it. He promised to look into it.

Within a few hundred miles, I experienced the same problem with the instrument cluster display, although it did not go into the limp-home mode, but the BAS light remained lit. I called the Daytona Beach dealership and had to wait a few days for an appointment on Wednesday, February 5, 2003. I arrived with 52,597 miles and after waiting about 5 hours in the dealership, they advised that they could not determine what was wrong, so I would have to leave the vehicle, but they would provide a rental car for me at their cost. I asked why the diagnostic code couldn't tell them what was wrong, and they said it was more complicated than that. I mentioned that I had read on the internet about problems with the key

Page 2-Crisis Problem - June 13, 2003

and I told them that the ignition lock seemed much looser since the gear shift assembly had been replaced and I understood there was a cable that would have had to be connected to it in the replacement. I was advised that there was nothing wrong with that assembly. To this day, it is still loose, and I question whether it is contributing to the problems that has recurred. I also mentioned the leaking windshield washer reservoir and that I understood it could damage the ABS pump, but they said that wasn't it.

I was subsequently advised on Thursday, February 6, 2003 that the BAS /ESP control module had been changed, but the problem was persisting. A day later, I was advised the car would be ready and then called back and told it was not, because the BAS light would not go off. I had wanted my vehicle back for a weekend trip, but it was not ready. On Monday, I was told the SUV was ready and would be driven to my home on Tuesday, and that they had put about 110 miles on it in attempting to diagnose the problem. I had to ask what had been the final solution and was told that I needed a new battery and it had been changed at no cost to me. Given that the battery was eligible for a credit, and that I had already spent approximately \$330 for what was apparently unnecessary work, and for a rental car, and I had been without my vehicle for a week, I asked if my gear shift knob had been restored, and if they would change the leaking windshield washer reservoir which I knew was an existing known problem and could cause damage to the ABS pump. When the car was delivered, it was coated with tree pollen inside and out, and although the windshield washer reservoir had been changed, the knob had not been restored. Subsequently, I notified a customer survey person of my displeasure, and received a call from the Daytona Beach service manager offering to replace the knob, at my convenience.

At approximately 58,000 miles, the brake pad wear light displayed and I called the dealer for an appointment to replace the pads. On May 28, 2003, as I was driving to the dealership for my appointment, again without any warning, my power steering failed and I had a difficult and nerve-racking ride to the dealership. I was advised that I needed front and rear brake work which I was agreeable to, since I had over 58,000 miles on the SUV, but I was also given an estimate of approximately \$959 for repair of the power steering failure. I objected to that and asked to speak with the service manager. I mentioned that I had not had time to come in for the replacement gear shift knob (which I assumed would be installed that day, but wasn't). He did not respond to my comment on the gear shift knob, but commented that I had had good luck(?) with the vehicle and offered to call Mercedes and see what he could do, regarding the power steering problem. At no point was I advised by Daytona Beach Mercedes that the power steering problem was the subject of a recall. The technician came back and said it would be about \$375 for the labor and Mercedes would provide the parts. I was not happy about this, since I did not cause the problem and I asked if all the earlier work could have contributed to the problem and was told no, it was a clamp problem. I paid a total of \$1160.25, including a charge of \$375.53 plus 7% tax for the power steering repair that day. I had also inquired about the driver's window switch which was hesitating, and which I knew was a known defect and was told it would cost me approximately \$152 to repair. I again said I didn't understand why I had to pay to repair a known defect and declined and said I would wait until it got worse. The next day it stopped working. I called roadside assistance because I had read about the problem on the internet and knew roadside assistance could repair it in 5 minutes, but when I called, I was connected with a Daytona Beach technician who quoted a price of over \$200. When I asked why it was more than the previous day's quote, he said would get time and a half to come out to do the work. Since I had also discovered overnight that there was a recall on the power steering failure and since I felt that the Daytona Beach service department had hastened the window switch failure the day before, when it was working although slowly, I determined not to go back to Daytona Beach and instead called the other dealership in the area, Brno's in Jacksonville, FL, and made an appointment for the window switch to be replaced the next day, as I was leaving for Connecticut, the following day. Meanwhile, I had to drive in 85 degree weather on a highway with my window stuck in the down position for over an hour. The Jacksonville dealer repaired it for a charge of \$112.03; however, again in my opinion, it was inappropriate for me to have to pay anything for this repair, since both technicians acknowledged that Mercedes has received a bad batch of window switches that cause the failure and has replaced it free of charge under warranty. As indicated above, in the course of checking the internet on the driver's window problem, I had also discovered that Mercedes had announced three recalls of the power

steering clamp, and had issued an official NHTSA recall since Page 3-Crummins Problem-June 13, 2003 March 26, 2003 on this problem. I had never received any notice of this recall, and was upset that the Daytona Beach dealer had not mentioned it. In the course of conversation with the Jacksonville dealer's service rep, I mentioned I had just had a problem with the power steering, and was told that there was a recall, but the replacement parts weren't available. Now I wonder if I have the correct new replacement. Also, the recall notice says you may experience diminished power steering; however, I experienced sudden, complete loss of power steering, with no warning, a very dangerous situation. I telephoned Mercedes-Benz Customer Care and spoke with an individual who described himself as an Assistant to the President (James?). He was most unhelpful and I believe showed a lack of candor, in that he said there was no recall, and when I said it was on the internet, he said it wasn't official, and if it became official, I could take the matter up with the dealer. [Upon contacting the NHTSA today, when they called Mercedes Benz customer service, the answer from Cynthia was equally evasive, but ultimately it was acknowledged that there was a recall and I was covered and the notice would be mailed shortly]. When I told James of the other problems I had had, and asked him if he had any words of comfort other than his silence, he said I should speak with the dealer.

I left Florida for Connecticut on Saturday, May 31, 2003, and all seemed to go well, until my return trip the following Saturday, June 9, 2003, when I was in a driving rainstorm in 84 degree temperatures on I-95, driving within the speed limit with lights, windshield wipers, and A/C on, and I exited the highway to reach the Hampton Inn in Rocky Mount, North Carolina, at which I had reservations for the night. Upon exiting, I had to drive through a large puddle and when I arrived at the motel, I had to get in line to reach the entrance. As I drove up to the entrance, half of the instrument cluster display on the left lit up, although the vehicle continued to run. As I exited the vehicle, I automatically turned it off. When I returned, the vehicle would not start. I was in the entrance blocking others all night. As the Mercedes Benz roadside assistance was over an hour away, and did not want to come out, the technician suggested I wait until morning, because he thought the starter had gotten wet and would dry out by morning. They did not know why the instrument cluster lights had displayed and thought it might be the battery. I explained that the battery was allegedly replaced at 52000 miles, and was therefore only 10000 miles old, since I was at 62,000 now, and I had a horn, lights, and no dimming. Jody, a service technician of the Raleigh, North Carolina dealership, was the only helpful person in the roadside assistance experience. I now know that the Mercedes roadside assistance is flawed in that you have to be near a dealership to receive true, timely assistance. The vehicle started Sunday morning, and the instrument cluster acted normally, but as I continued on I-95 to Florida, during another driving rainstorm, the entire instrument panel lit up, the tachometer, speedometer and gas and temperature gauges stopped and the instrument panel kept beeping intermittently (fortunately, it did not go into limp-mode, but I had no idea what it was going to do. It was the same problem I had experienced at 52000 miles). Again, I was put under tremendous stress driving in poor conditions with about 7 hours of my trip remaining on a Sunday, not knowing whether the vehicle would simply stop dead at some point (and knowing that actual roadside assistance was not readily available). From time to time, the gauges would flip on and the beeping would start, and after a while, the vehicle returned to normal, except that the BAS light stayed on. I knew I would have to stop for gas and waited until I was almost home, because I was afraid to turn the engine off. When I did the BAS light stayed lit again, but the vehicle started and drove normally. On Monday, the BAS light went out and the vehicle is driving normally for now.


At this point, I am filing a complaint with the NHTSA about the frightening experiences I have had with the instrument displays, (including the initial engagement of the limp-home mode), and I have no desire to drive the vehicle any distance, no desire to keep the vehicle, no desire to return to the Daytona Beach service department, no desire to deal with the roadside assistance or customer care, and no desire to ever buy another Mercedes-Benz product.


In addition to the problems listed above, I have other known defects including a crack in one of my D pillars, and the rear hatch lock doesn't work, both of which appeared well before 50,000 miles, but which I chose not to raise as issues.


Case 4-Crisis/Problem-June 13, 2003

I am so fed up with my situation, I wanted you to know why I believe Mercedes has failed me as a customer.

Receiving a \$1000 certificate towards a new ML purchase, when I can't get Mercedes to correct and repair at their cost, the known failures on my 2+ year old ML, is insulting. At the least, my out-of-pocket expenses for the unnecessary gear shift repair and for the known window switch and power steering defects and the rental car should be completely refunded, and I should receive assurances that the proper power steering hose clamp has been installed, as well as a cost-free solution by a knowledgeable technician to the unsolved operating problem that started in January, 2003 at 52000 miles.

 What baffles me completely is the inability of the Daytona Beach service department to be able to read the diagnostic codes on the vehicle to ascertain what causes the instrument cluster malfunction (Please note that although the original service order simply states that the check engine light and EAS light stays lit, I specifically told them the entire cluster lit up, that I lost my speedometer, etc., and that it beeped and went into limp-mode the first time).

 This vehicle is supposed to provide me safety, dependability, reliability. It is designed to be driven off-road. I can't imagine the catastrophic consequences of losing power steering in such a situation, or getting the starter wet, or the engagement of the limp-mode or the instrument cluster malfunction in an off-road situation, based on my experiences under normal driving conditions.

 Mercedes should be standing behind its product and instead acts as though it is my problem. As of now, I am exposed to further anxious and dangerous experiences and have no confidence that it can be resolved (and this started at 52,000+ miles, in a 2+year old model). Disgraceful.

I certainly hope you can use your good offices to resolve my situation without further delay and in the manner and tradition that one would expect from a reputable company. My telephone no. is 386-445-9972.

Very truly yours,



**SENDER: ATTACH TO THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Mike Jackson, President  
 Mercedes Benz USA LLC  
 One Mercedes Drive  
 P.O. Box 350  
 Montvale, NJ 07645

2. Article Number  
 (Transfer from service label)

**POST OFFICE: ATTACH TO THIS SECTION**

A. Signature  
 [Signature] **Montvale, NJ**

B. Received by (Printed Name)  
 [Signature]

C. Date of Delivery  
 [Stamp]

D. Is delivery address different from item 1?  YES  NO  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7002 0860 0006 3462 2604

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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).**