



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 1368

Date Received
FEB 19 PM 2:41
07-JAN-2004

Repository ☐

Reference No.
10053583

OWNER INFORMATION (Type or Print)

Name _____
Address _____
City **LAGRANGE** State **GA** Zip Code **30241**

Daytime Telephone Number _____
Evening Telephone Number _____
E-mail Address _____

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 **1/1**

VEHICLE INFORMATION

17 digit Vehicle Identification Number located at bottom of windshield on driver's side
4JGAB54E3XA102381

Make **MERCEDES BENZ** Model **AL 320** Model Year **1999**

Date Purchased **FEB 28 1999** Dealer's Name and Telephone Number **77019941700 SOUTH ATLANTA** Engine: **V6** Fuel Type: **PREMIUM GASOLINE**
Original Owner ☒ Dealer's City **ATLANTA, GA** State **GA** Zip Code **30349** No. Cylinders **6**

Transmission Type **AUTO** ☒ AntiLock Brakes ☒ Cruise Control Powertrain _____
Vehicle Component Code **081110 ENGINE AND ENGINE COOLING:ENGINE:GASOLINE:BELTS AND**
Multiple Failure: **1**

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s) **10-DEC-2003** Failure Mileage **51236** Failure Speed **SEE ATTACHED**

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: DOTM19ABC036) ☐ 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), condition(s), and injury(s).)

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;
i.e. parts repaired or replaced (and if old part is available).

WHILE DRIVING VEHICLE STALLED. CONSUMER MANAGED TO PULL OVER, AND HAD THE VEHICLE TOWED. DEALERSHIP INFORMED THE CONSUMER THAT THE PROBLEM PERTAINED TO THE ENGINE TIMING CHAIN. THE PROBLEM WAS NOT RESOLVED. *AK

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

ATTACH ADDITIONAL SHEETS IF NECESSARY

The 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

While driving my 1999 Mercedes-Benz ML320, VIN 4JGAB54E3XA102331 with 51,236 miles on the odometer, the vehicle's alternator light came on and the air conditioner stopped cooling. I drove to a local service facility (Westbrook Service and Tire Co., 308 Main Street, LaGrange, GA 30240), about a half mile away, where the mechanic told me it was a wonder my engine had not failed since it had developed extensive damage, which damage is described on the repair bill (invoice [REDACTED] Carriage House Imports, Atlanta, Georgia,) as "FRONT DAMPER REMOVED FRONT DAMPER REMOVED FRONT TIMING CHAIN COVER/REPLACED REPLACED OIL PAN/SENDER UNIT REPLACED ENGINE FAN DAMAGE FROM DAMPER STEAM CLEAN UNDER SIDE OF ENGINE". The vehicle was towed from LaGrange to the dealer in Atlanta. If I had driven any further, the engine would have been destroyed as I was driving, putting me in a potentially dangerous situation. When I asked the Service Advisor at Carriage House Imports what were the chances of this occurring again, he assured me the problem parts had been redesigned and would not fail again. Old parts are not available.

[REDACTED]

17 January 2004

December 29, 2003

Mr. Gregg Mault
Customer Assistance Center
Mercedes-Benz of North America, Inc.
Three Paragon Drive
Montvale, NJ 07645-0350

RE: 1999 Mercedes-Benz ML320 VIN 4JGAB54E3XA102331

Dear Mr. Mault:

This letter is in regard to a recent repair to my 1999 ML 320 and your response to the associated costs. For your reference, copies of previous correspondence are enclosed. Apparently, there was some misunderstanding about the nature of the defective parts repair. It is incumbent on your company to address this situation in a more satisfactory manner to avoid further problems.

First, your apology for my dissatisfaction with my Mercedes is misplaced. As indicated, I have been satisfied with the performance of the vehicle until recent failure necessitated an expensive replacement and repair of defective parts. Defective design and resulting damage to my vehicle falls under the responsibility of the manufacturer to address as a product recall or by reimbursement of repair costs caused by the defective parts.

You also indicate the warranty status of the vehicle relieves you of obligation. Under the Georgia Motor Vehicle Warranty Rights Act and the Federal Magnuson-Moss Warranty Act there are various legal options for both warranty repairs as well as so called "lemon" automobiles. However, this issue is not specifically a warranty problem. Rather, it is a question of defective parts with design flaws which caused extensive damage to the vehicle by their failure. The issue then becomes one of financial and potential personal injury unrelated to a warranty either express or implied. To this end, I have contacted the National Highway Transportation Safety Administration to initiate a recall of the defective parts.

Finally, you mention partial coverage of the repair costs by the dealer as a "good will" gesture. While one would think this was more good business practice than kindness, the fact that the remaining costs were caused by defective Mercedes parts they remain the responsibility of the Mercedes Corporation, the dealer, or both either jointly or separately. Furthermore, "good will" on the part of the dealer is more likely an attempt to deflect financial responsibility and a bad reputation for the Mercedes brand. This is underscored by the fact that the dealer performs the same repairs for defective parts on this model vehicle 2-3 times weekly.

The Mercedes name is associated with a certain quality both of vehicle performance and

customer service. This repair would have been unnecessary had your corporation recalled or replaced the defective parts prior to failure. The fact that this particular vehicle is recently outside of warranty coverage is immaterial to Mercedes' financial obligation. Your response to date has been unsatisfactory and untimely. I look forward to more cooperation from your office in the future. Copies of this correspondence are being sent to your legal affairs department and the dealer. Thank you for considering these points and fulfilling the responsibilities of your company to its customers.

Respectfully,

[REDACTED]
LaGrange, Georgia [REDACTED]
[REDACTED]

Copy: Mercedes-Benz USA, Legal Department
Carriage House Imports, Inc.
National Highway Transportation Safety Administration



Mercedes-Benz

Mercedes-Benz USA, LLC

Customer Assistance Center

November 4, 2003

[REDACTED]
LaGrange, Ga [REDACTED]

Subject: **Model ML320**
[REDACTED]

Dear [REDACTED]

Thank you for your recent correspondence. We are sorry to learn of your dissatisfaction with your 1999 ML320.

Upon receipt of your letter we contacted the service department at Mercedes-Benz of South Atlanta. Once the manufacturer's Limited New Car Warranty expires the dealer is in the position to review previous repair history, along with the present repair needed, for possible post warranty consideration.

As you mention in your letter, the dealer offered us a goodwill gesture, portion of the cost, of which you had accepted. We feel this offer by the dealer is generous.

After additional review of this matter we cannot justify further financial participation.

We apologize for any inconvenience this matter may have caused.

Sincerely,

Gregg Mault
Customer Relations

GM/vg



[REDACTED]
LaGrange, GA [REDACTED]
October 25, 2003

Customer Assistance Center
Mercedes-Benz of North America, Inc.
One Mercedes Drive
Montvale, NJ 07645-0350

RE: 1999 Mercedes-Benz ML320 VIN 4JGAB54E3XA102331

Dear Mercedes Assistance Center:

On September 29, 2003 I sent the following e-mail to Mercedes USA on the Mercedes web site; to date I have not received a reply:

"Gentlemen: Until now I have enjoyed and received good service from my 1999 Mercedes-Benz ML320 VIN 4JGAB54E3XA102331; however, at 51,236 miles it developed extensive damage due to parts of faulty design, which damage is described on the repair bill (invoice [REDACTED] Carriage House Imports, Atlanta, Georgia,) as "FRONT DAMPER REMOVED FRONT DAMPER REMOVED FRONT TIMING CHAIN COVER/REPLACED REPLACED OIL PAN/SENDER UNIT REPLACED ENGINE FAN DAMAGE FROM DAMPER STEAM CLEAN UNDER SIDE OF ENGINE". When I asked the Service Advisor what were the chances of this occurring again, he assured me the problem parts had been redesigned and would not fail again. While I am grateful that a portion of the cost of this repair was offered to me free of charge as a goodwill gesture, I believe that Mercedes-Benz should pay for the full repair (an additional \$1807.00, cost borne by me) since Mercedes-Benz was aware of the problem with this vehicle (I was informed that the service department does 2-3 of these repairs per week) and failed to notify me. An earlier replacement of the defective parts would have saved me much time, aggravation and effort and been much easier and less expensive. I appreciate your consideration of this matter."

If you desire further information please I will be happy to furnish what I can. Thanking you in advance for an early and favorable response, I am
Sincerely yours,

[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).**