



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
(1-888-327-4238)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100145

Date Received

04-NOV-2004

Repository

Reference No.
10088408

2:30

OWNER INFORMATION (Type or Print)

Name _____
Address _____
City **YONKERS** 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 **12-14-04**

VEHICLE INFORMATION

17-Digit Vehicle Identification Number located at bottom of windshield on driver's side: **WDBJF65J428** Make: **MERCEDES BENZ** Model: **320** Model Year: **2002**
Date Purchased: **2/28/02** Dealer's Name and Telephone Number: **Prestige Motors, Inc. - 201-265-7800** Engine: No: Cylinders: _____ Fuel Type: **Gas**
Original Owner: Dealer's City: **Paramus** State: **NJ** Zip Code: **07652**
Transmission Type: **AUTOMATIC** Antilock Brakes Cruise Control Powertrain: _____ Vehicle Component Code: **131000 VISIBILITY: WINDSHIELD**
Multiple Failure: **1**

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s): **04-NOV-2004** Failure Mileage: **40500** Failure Speed: _____

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: DOTM19ABC058) 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: **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).

CONSUMER STATED ON RAINY DAYS THE VISIBILITY BECOMES DIFFICULT. *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(s), Failure(s), Crash(es), and Injury(ies)

Since I purchased my new 2002 Mercedes Benz E320, I've had several problems, some annoying glitches and others safety hazards. The more serious safety-related problems include failed computer chips, poor visibility through the windshield (this problem still persists and cannot be resolved according to the dealership), and failure of the horn, and interior and exterior lights. I've had to bring in the car for service at least ten times. These problems are too numerous and serious for a new car, and I feel it is defective. I would like the dealership from which I bought the car to trade it in for a new one in an even exchange. Attached is the letter to S. Paul Kalata, CEO of Mercedes Benz and further documentation of problems.

ATTACH ADDITIONAL SHEETS IF NECESSARY

U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

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

Official Business
Penalty for Private Use \$300



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IF MAILED
IN THE
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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

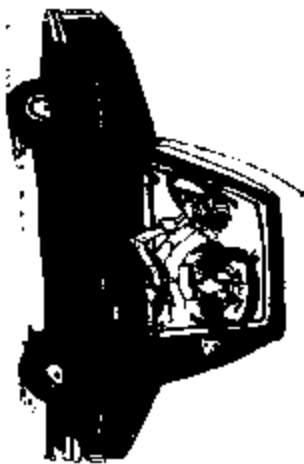
DASH2DOT

and dial toll free at

1-888-DASH-2-DOT

1-888-327-4236

DOT Auto Safety Hotline
(DASH) 2 DOT



U.S. Department of Transportation
National Highway Traffic Safety
Administration
www.nhtsa.dot.gov/online

Yonkers, NY

December 14, 2004

S. Paul Halata
Mercedes-Benz USA, LLC
Customer Assistance Center
3 Paragon Drive
Montvale, NJ 07645

Re: 2002 Mercedes Benz E320 - VIN #WDBJF65J42

Dear Mr. Halata:

Ever since I purchased the above-referenced Mercedes from Prestige Motors in Paramus, NJ, in February 2002, I have had nothing but problems with it. I have experienced everything from annoying glitches to safety hazards. Instead of being able to enjoy my car, I have risked life and limb driving the car; lost a great deal of time by having to repeatedly take the car back to the dealer; and suffered immeasurable aggravation, grief and humiliation.

To date, the items on the enclosed list have been repaired or replaced. And regarding the problem with poor visibility through the windshield, despite bringing the car in for service several times, I still cannot see out of the windshield when it rains due to a defect in the design of the single wiper arm. Nonetheless, the dealer has repeatedly failed to correct this defect.

This car falls way short of the Mercedes reputation for well-made, reliable German-engineered cars. It is defective. It is a disappointment and an insult to pay \$52,000 for a car that literally falls apart as you drive it and that doesn't allow its driver to see out of the windshield when it rains. However, I feel that this particular car is not representative of Mercedes in general (I owned a 1988 Mercedes 300 SEL for 14 years, with which I was extremely pleased) and would like to trade it in for a 2005 E320 but will not do so unless I am compensated for what I have had to endure with this car. In this regard, I ask that you authorize the dealer to offer me an even exchange between my car and the 2005 model.

Please review the foregoing and provide a written response to the same. Thank you for your anticipated cooperation.

Sincerely,

Enc.

CC: National Highway Traffic Safety Administration, NY Attorney General, NJ Attorney General,
Westchester County Department of Consumer Protection, Bergen County Consumer Protection, Prestige
Motors

List of Problems Re: 2002 Mercedes Benz E320 – VIN #WDBJF65J42B479360

Date:	Mileage:	Problem:
3/22/02	1,088	A.M. radio reception terrible: loose-fitting connection
4/19/02	1,960	<ul style="list-style-type: none"> • Vehicle lost power: 3 computer chips had to be replaced • Front star (emblem) fell off vehicle • Control arm replaced • Electrical system-condition noted • Car will not start at times and it stalls
1/2/03	14,889	<ul style="list-style-type: none"> • Car not performing correctly: air-mass sensor replaced • Wiper/washer nozzles not hitting windshield (CNV complaint) • Leather on front passenger-side seat came off; as a result, electrical wires came out • Brake-pad wear indicator came on; front brake pads were replaced.
5/27/03	20,351	<ul style="list-style-type: none"> • Catalytic converter rattling: replaced • Washer jets do not spray properly
8/21/03	23,853	<ul style="list-style-type: none"> • Glove-box latch broke (came off car) • Whirring noise from rear of vehicle: faulty fuel pump • Not enough pressure on wiper blade to remove rain: wiper blade replaced
10/15/03	25,852	<ul style="list-style-type: none"> • Front wiper is extremely noisy in operation: wiper-blade assembly replaced • Loud whining noise from underneath car at 50 m.p.h.
2/25/04	30,652	<ul style="list-style-type: none"> • Whirring noise coming from center vents: power-steering fluid was high • Driver-side washer nozzle sprays driver-side window—sprayed outside mirror: adjusted • 4 tires needed
8/4/04	37,044	<ul style="list-style-type: none"> • Wipers smear glass (have done so from day one): wiper insert replaced • Rattling noise from rear of vehicle: jack loose due to missing clip—spring replaced
10/6/04	39,300	The horn, interior and exterior lights suddenly stopped working while I was driving the car
10/26/04	40,137	<ul style="list-style-type: none"> • Vanity mirror fell off visor into my lap while driving

		<ul style="list-style-type: none"> • Cluster digits were distorted: replacement cluster was ordered
11/10/04	40,700	<ul style="list-style-type: none"> • Cluster problem: replaced • When raining, visibility is bad: removed & replaced wiper arm and cleaned windshield

Following is an addendum to this list of problems, giving specific circumstances and further details concerning three of the more serious of these problems.

Addendum

Regarding problem on 4/19/02:

When the computer chip went on the vehicle, I was stranded in the middle of a highway with cars speeding by me. Thanks to the quick intervention of a police officer who stopped traffic and pushed my car to the shoulder, a potentially dangerous situation was avoided. All in all, it was a very frightening experience. My car had only 1,950 miles on it at the time. I was very upset that I should be having this problem when the car was barely broken in.

Regarding problem on 10/6/04:

I was driving on a major road when the driver in front of me put his vehicle in reverse and began to back up. Seeing this, I reached for my horn, which I found to be inoperable. Then I reached for my lights to signal to the driver that I was behind him, only to find out that they also were inoperable. I was forced to go around the driver and into the oncoming lane of traffic to avoid being sandwiched between him and the vehicles behind me. Again, this was an unnerving and potentially dangerous incident that left me in tears. I altered my plans and returned immediately to my house from where I called Prestige Motors to notify them that I was going to bring my car in so that the problem could be diagnosed and taken care of. When I was pulling out of my garage on my way to the dealership, I realized that the problem had cleared up. I proceeded to the dealership, nonetheless, still in tears from the experience. When I arrived at the dealership, my service advisor felt that since everything was working at this time, his intervention was not needed.

Regarding persistent poor-visibility problem:

I purchased my new Mercedes with the expectation of being able to drive it rain or shine. It turns out, instead, that on a rainy day, you take your life into your own hands because of the poor visibility through the windshield. Every time that I complained to the service people at Prestige Motors in Paramus, NJ; I was told that the problem was the fault of the car wash. I stopped going to the car wash and delegated this chore to my husband, who hand-washed the car, but the problem persisted. On one trip to complain about the problem once again, my husband and I met with service manager Brian Scully. This time, Mr. Scully admitted that the wipers seem to streak and smudge the windshield, causing a

visibility problem, one that is magnified when lights from oncoming traffic are reflected on the smudged windshield. Mr. Scully further stated that he didn't know whether the problem was due to German glass or other factors, but that Mercedes was addressing the problem by returning to the two-wiper system. My husband made Mr. Scully aware that this was a safety issue and that his take on the problem was not satisfactory. At a later date, my husband and I went to Prestige with the same complaint and met with Mr. Scully again. This time, Mr. Scully told us that the problem was due to dirt on the inside and outside of the windshield. My husband then suggested that Mr. Scully have someone clean the windshield inside and out. Mr. Scully agreed. Upon completion of this task, he invited us to get in the car with him to show us what a little cleaning could do. When we got in the car, Mr. Scully turned on the windshield wipers along with washer fluid. At this point, he realized how severe the problem was: the cleaning had done absolutely nothing. Now Mr. Scully said that the windshield needed to be compounded and he instructed an employee to do so. In the meantime, he made us get into another 2002 Mercedes E320 to show us that the problem was typical of that model. Although this car had the same problem, it was much less severe than in my car. After my windshield was compounded, we all got in the car again only to find that the compounding did absolutely nothing to alleviate the problem. At this time, Mr. Scully informed us that could do nothing more for us.