

10/09530
2005

December 14, 2004

National Highway Traffic Safety Administration (NHTSA)
400 Seventh Street, SW
Washington, D.C. 20590

Attention: Office of Defect Investigations

Re: 1995 Mercedes S600
VIN WDBGAS7E6SA

Dear Office of Defect Investigations:

This office is the registered owner of a 1995 Mercedes S600 vehicle bearing vehicle identification number WDBGAS7E6SA. On or about October 8, 2004, the vehicle had approximately 94,883 miles on it when it was taken to W.I. Simonson, Inc., in Santa Monica, California, because the ASR light was on and the vehicle experienced a sudden and abrupt loss of power while being operated on the freeway. After approximately 8 weeks, the vehicle was picked up from W.I. Simonson, Inc., and the repair bill was \$10,012.63.

For the entire period of time the vehicle has been owned by this office, the vehicle was serviced and maintained by W.I. Simonson, Inc., an authorized Mercedes-Benz retailer. All required maintenance was timely performed on the vehicle. We believe there is a latent and safety related defect in one or more of the parts listed below. In our discussions with the representatives at W.I. Simonson, Inc., it was pointed out to us that the parts that failed are non-wear and non-serviceable parts that should last for the life of the car. We are advised that the wiring harness failed and shorted and/or damaged other electrical components thereby compromising the safe operation of vehicle.

The parts that were replaced consist of the following:

E-Gas Control Module	Part No. 140-545-82-32	Serial No. 0205000038
ASR Control Module	Part No. 015-545-57-32	Serial No. 0265106106
R/Throttle Actuator	Part No. 000-141-88-25	Serial No. 0205003030
L/Throttle Actuator	Part No. 000-141-87-25	Serial No. 0205003028
Wiring Harness ME	Part No. A-140-440-46-35	None
Wiring Harness ASR	Part No. 140-440-80-55	None

We believe that at least one of the above parts was not reasonably suitable for its ordinary use and that there was a breach of the warranty of merchantability, among other things, e.g., at least one of the parts failed within an unreasonable period of time.

The failure experienced in the vehicle severely affected the safe operation of the vehicle while at highway speed. A similar failure could lead to loss of control of the vehicle and cause serious bodily injury or death. We consider this a very serious safety problem and we are going to investigate the cause of the failure.

M. [unclear]
1/18/05

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We repeatedly requested that W.I. Simonson, Inc, and Mercedes-Benz take the necessary steps to ensure the above parts are not destroyed, altered or lost. The above parts were shipped on December 10, 2004, to Mercedes-Benz by W.I. Simonson, Inc. Although we have demanded that the parts be preserved and returned to us so we can determine what parts failed and why, Mercedes-Benz has indicated through its customer relations representative, Michael Regar, that the parts will not be returned to preserved for our analysis. We maintain that we have an ownership interest in the parts; however, Mercedes-Benz has refused to recognize our interest in the parts.

We are hereby notifying the National Highway Traffic Safety Administration (NHTSA) about our concerns about the unsafe operation of the vehicle due to the failure of at least one of the above parts. I am also enclosing copies of my letters to Mercedes-Benz concerning this matter.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

RBK/me

cc:

Michael Regar [Via Facsimile: (201) 476-6213]
Customer Relations
Mercedes-Benz of North America, Inc.
3 Paragon Drive
Montvale, New Jersey 07615

Brian Bae [Via Facsimile: (201) 476-6213]
Service and Parts Operation Manager
Mercedes-Benz of North America, Inc.
3 Paragon Drive
Montvale, New Jersey 07615

Steven Hogarth [Via Facsimile: (310) 829-3246]
Service Manager/Director of Client Relations
W.I. Simonson, Inc.
1626 Wilshire Boulevard
Santa Monica, California 90403

December 13, 2004

**VIA FACSIMILE & U.S. MAIL
FACSIMILE NO. (201) 476-6213**

Michael Regar
Customer Relations
Mercedes-Benz of North America, Inc.
3 Paragon Drive
Montvale, New Jersey 07615

Brian Bae
Service and Parts Operation Manager
Mercedes-Benz of North America, Inc.
3 Paragon Drive
Montvale, New Jersey 07615

**Re: Mercedes S600
VIN WDBGA57E6SA**

Dear Mr. Regar and Mr. Bae:

This letter is to advise you this office is the registered owner of the above Mercedes S600 vehicle. We believe there is a safety related defect in one or more of the parts listed below that can adversely affect the operation of the vehicle and lead to serious bodily injury or death. I spoke with Mr. Regar today and I wrote to both of you about our insistence the parts not be destroyed, altered or lost.

As you know, the parts listed below were shipped on December 10, 2004, to Mercedes-Benz by W.I. Simonson, Inc., in Santa Monica, California. We insist the parts be preserved and returned to us so we can determine what parts failed and why.

The parts consist of the following:

E-Gas Control Module	Part No. 140-545-82-32	Serial No. 0205000038
ASR Control Module	Part No. 015-545-57-32	Serial No. 0265106106
R/Throttle Actuator	Part No. 000-141-88-25	Serial No. 0205003030
L/Throttle Actuator	Part No. 000-141-87-25	Serial No. 0205003028
Wiring Harness ME	Part No. A-140-440-46-35	None
Wiring Harness ASR	Part No. 140-440-80-55	None

Please be advised that we are notifying the National Highway Traffic Safety Administration (NHTSA) about our concerns with the above parts. In light of Mr. Regar's comments today that the parts will not be returned or preserved, we feel obligated to advise NHTSA about the problem.

If Mercedes-Benz is going to destroy the parts or prevent us from having access to the parts, we will interpret that behavior as intentional conduct to destroy our ability to prove a defect in one or more of the parts. Again, we request that you give this matter your immediate attention.

Michael Regaar
Brian Bae
Mercedes-Benz of North America
December 13, 2004
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Please contact this office so we can discuss when the parts will be returned to us.

Very truly yours,

RBK/me

cc: National Highway Traffic Safety Administration (NHTSA)
400 Seventh Street, SW
Washington, D.C. 20590

Steven Hogarth (via Facsimile)
Service Manager/Director of Client Relations
W.I. Simonson, Inc.
1626 Wilshire Boulevard
Santa Monica, California 90403